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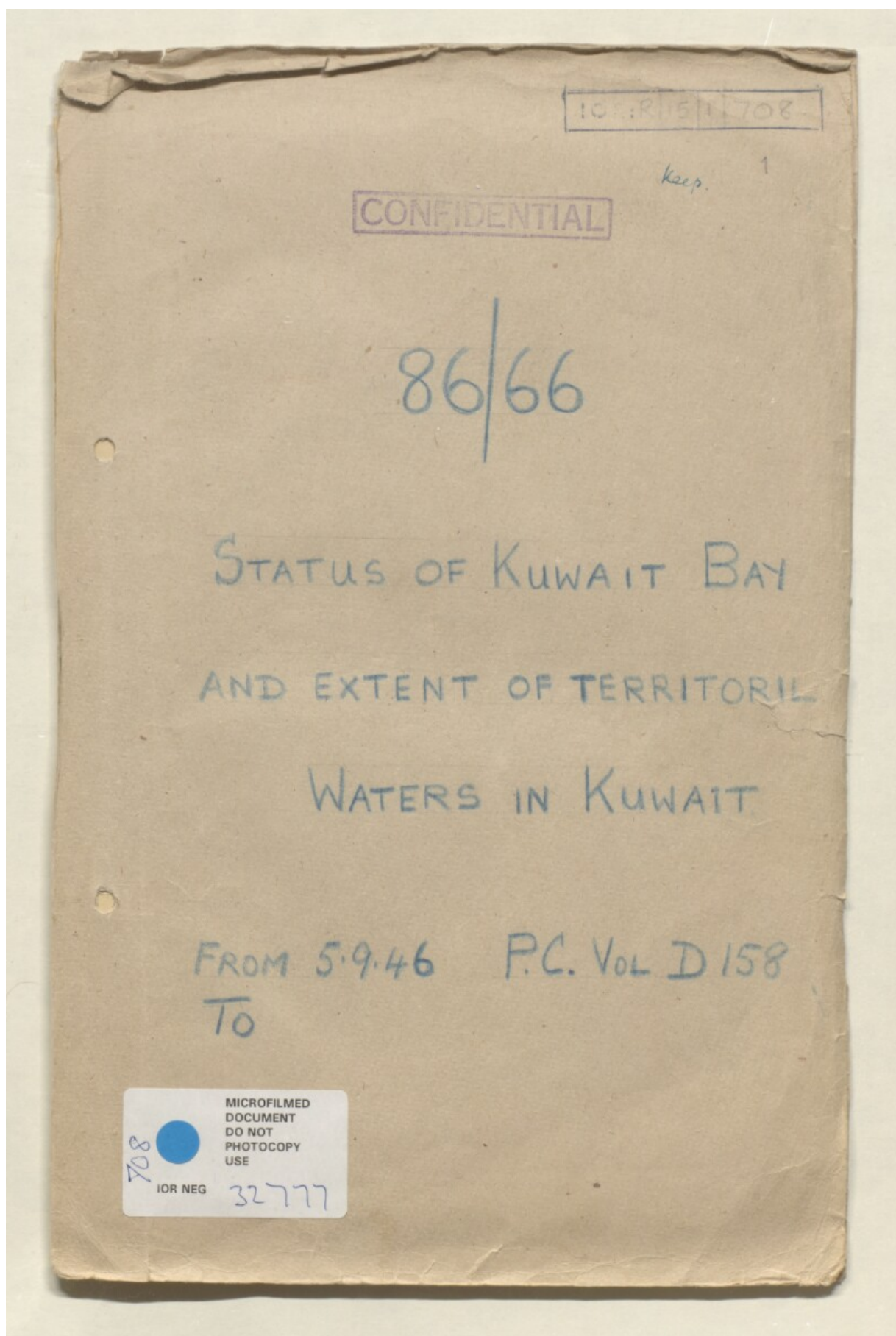
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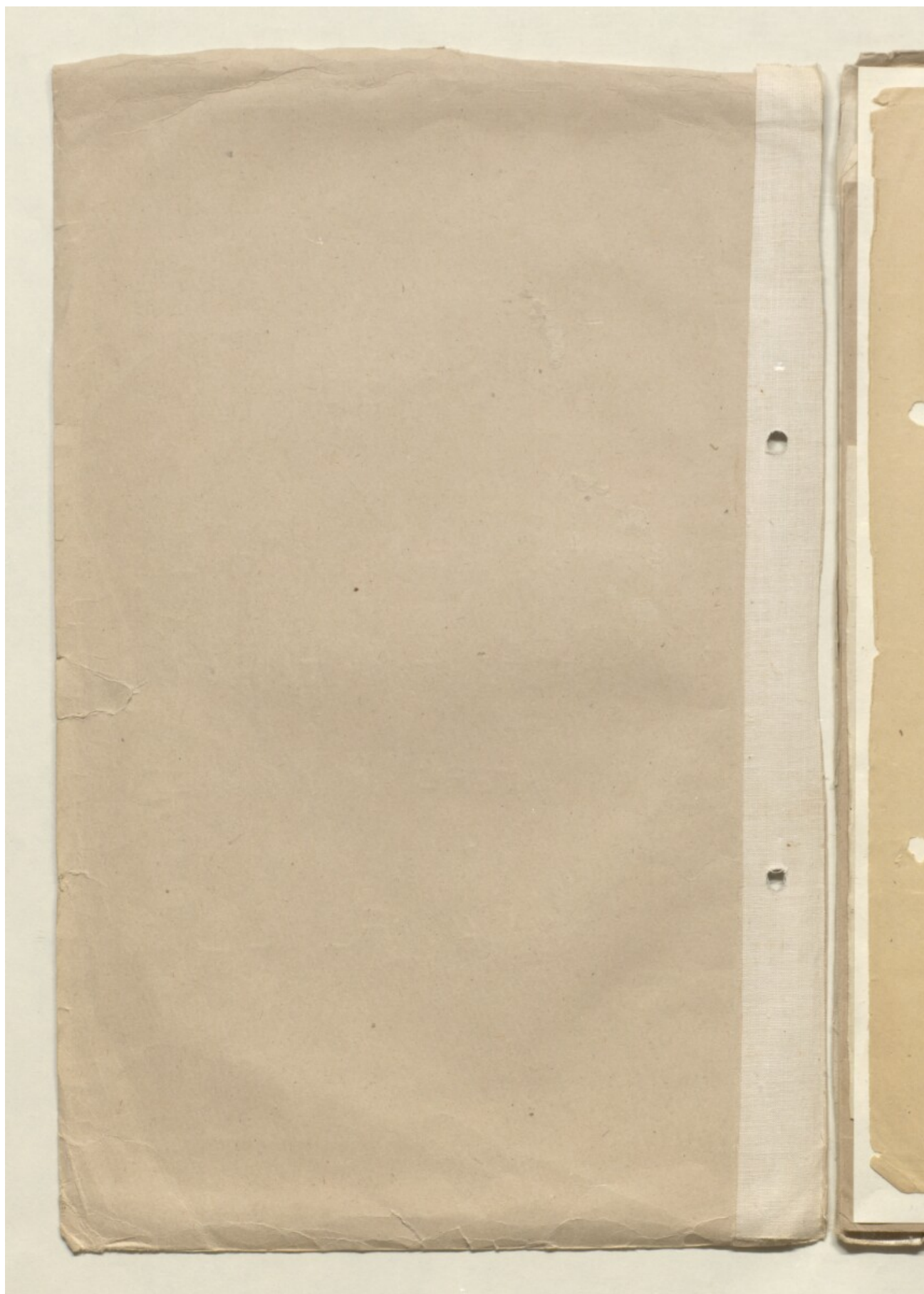
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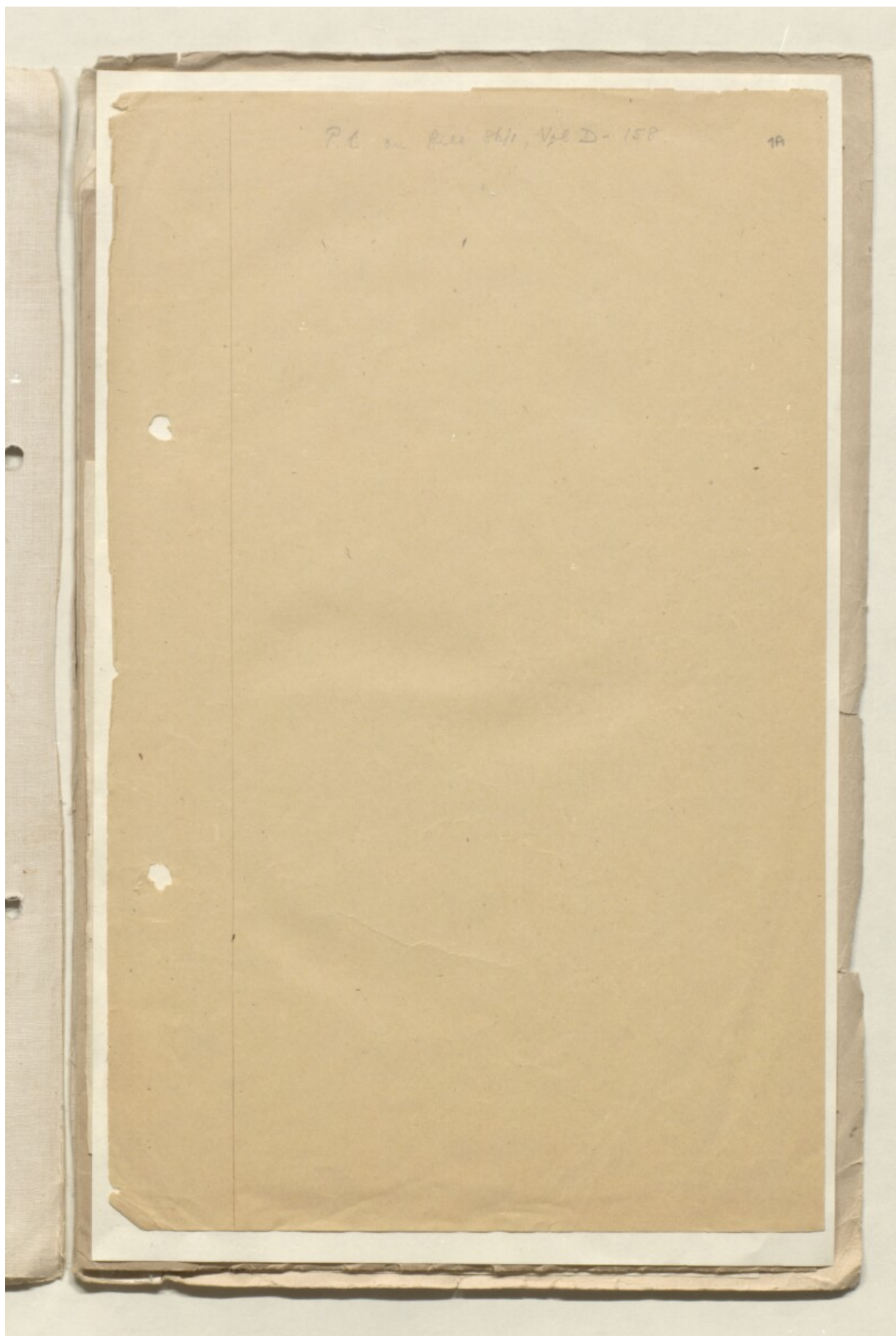
Reference	IOR/R/15/1/708
Title	'File 86/66 Status of Kuwait Bay and Extent of Territorial Waters in Kuwait'
Date(s)	25 Jul 1946-21 Jul 1947 (CE, Gregorian)
Written in	English and Arabic in Latin and Arabic script
Extent and Format	1 file (21 folios)
Holding Institution	British Library: India Office Records and Private Papers
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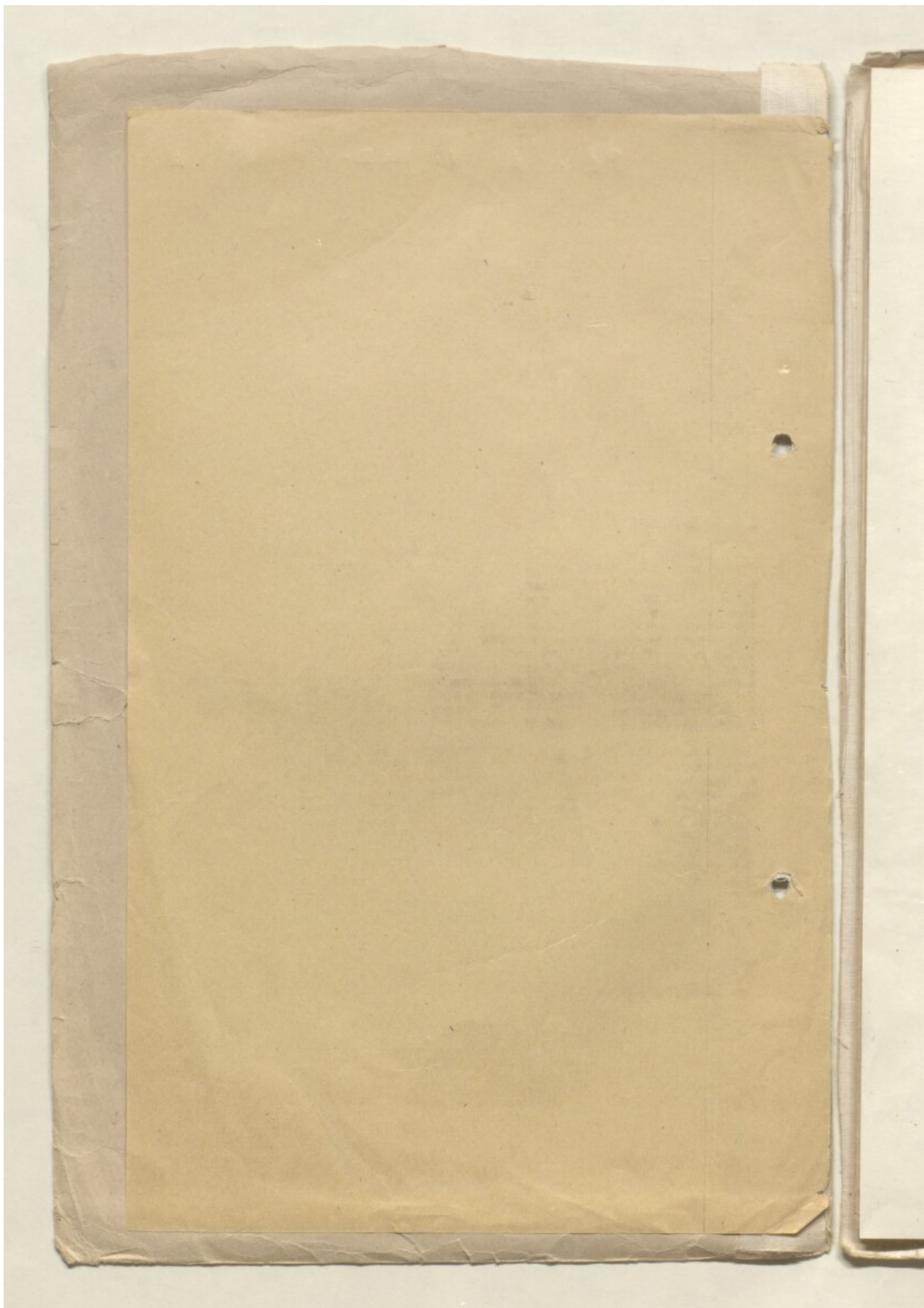
About this record

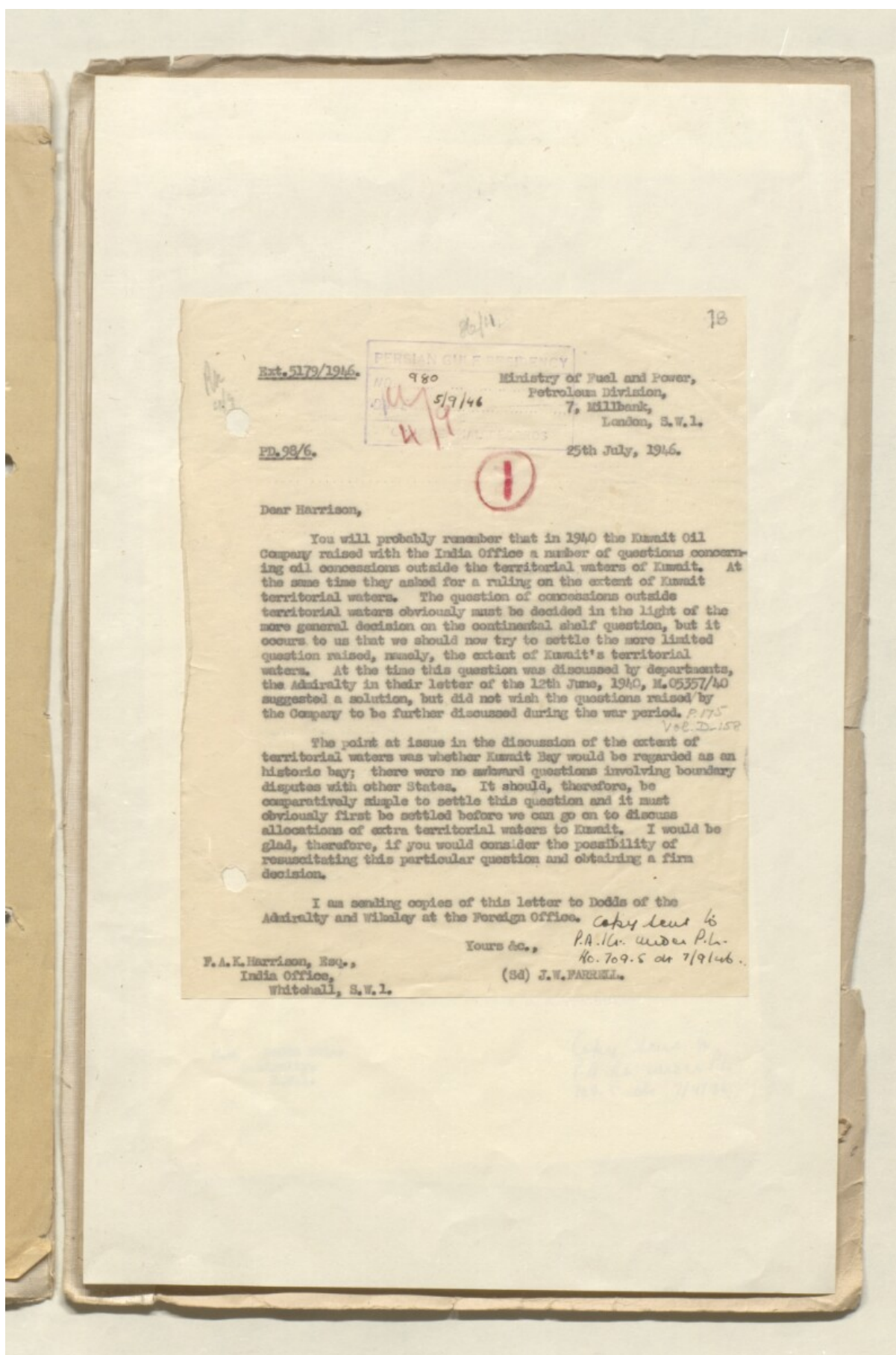
The file concerns the question of whether Kuwait Bay (also referred to in the papers as Koweit Bay) was an historic bay (or territorial inlet) [an area of water over which a coastal state has asserted sovereignty over a long period of time, and with the acquiescence of other nations], and the precise extent of Kuwait's territorial waters. The issue arose from an enquiry raised with the India Office by the Kuwait Oil Company in 1940 about how to settle details of oil concessions, but which had not been investigated fully because of the intervention of World War Two. The file contains correspondence on the subject between the India Office, the Ministry of Fuel and Power, the Admiralty, the Foreign Office, the Political Resident in the Persian Gulf, the Political Agent, Bahrain, and the Political Agent, Kuwait, July 1946 - July 1947 (including reference to the issue of ownership of the seabed under international law for the purposes of extracting oil, and discussion of the ways in which the Sheikh of Kuwait could assert his title to the bay); and resultant correspondence in Arabic and English between the Political Agent, Kuwait (Major Maurice Patrick O'Connor Tandy) and the Ruler of Kuwait (Sheikh Sir Ahmed al Jabir As-Subah) containing a request from the Agency that the Ruler inform the Kuwait Oil Company in writing that the territory of the State of Kuwait included Kuwait Bay, as defined within precise maritime co-ordinates, July 1947.

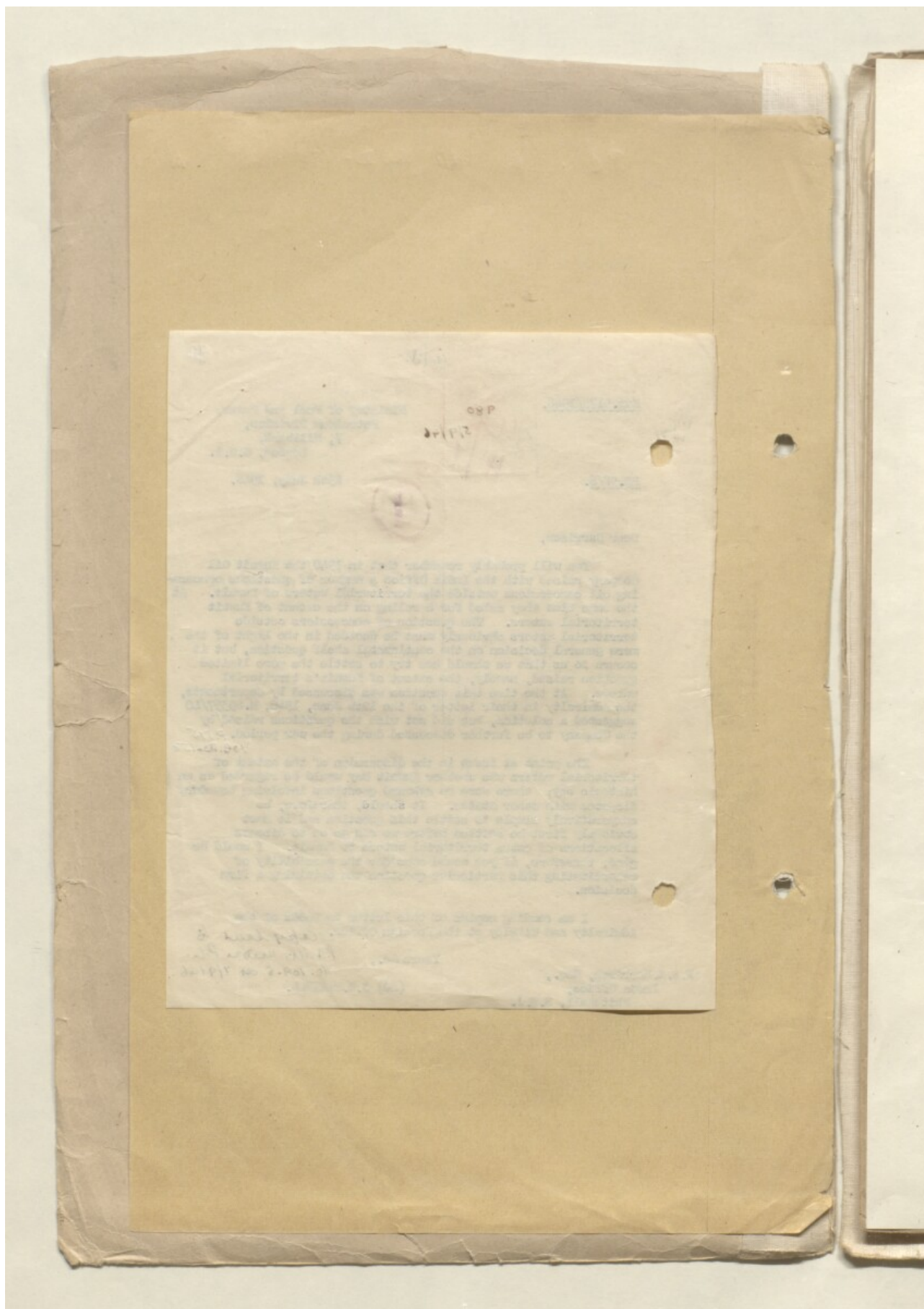


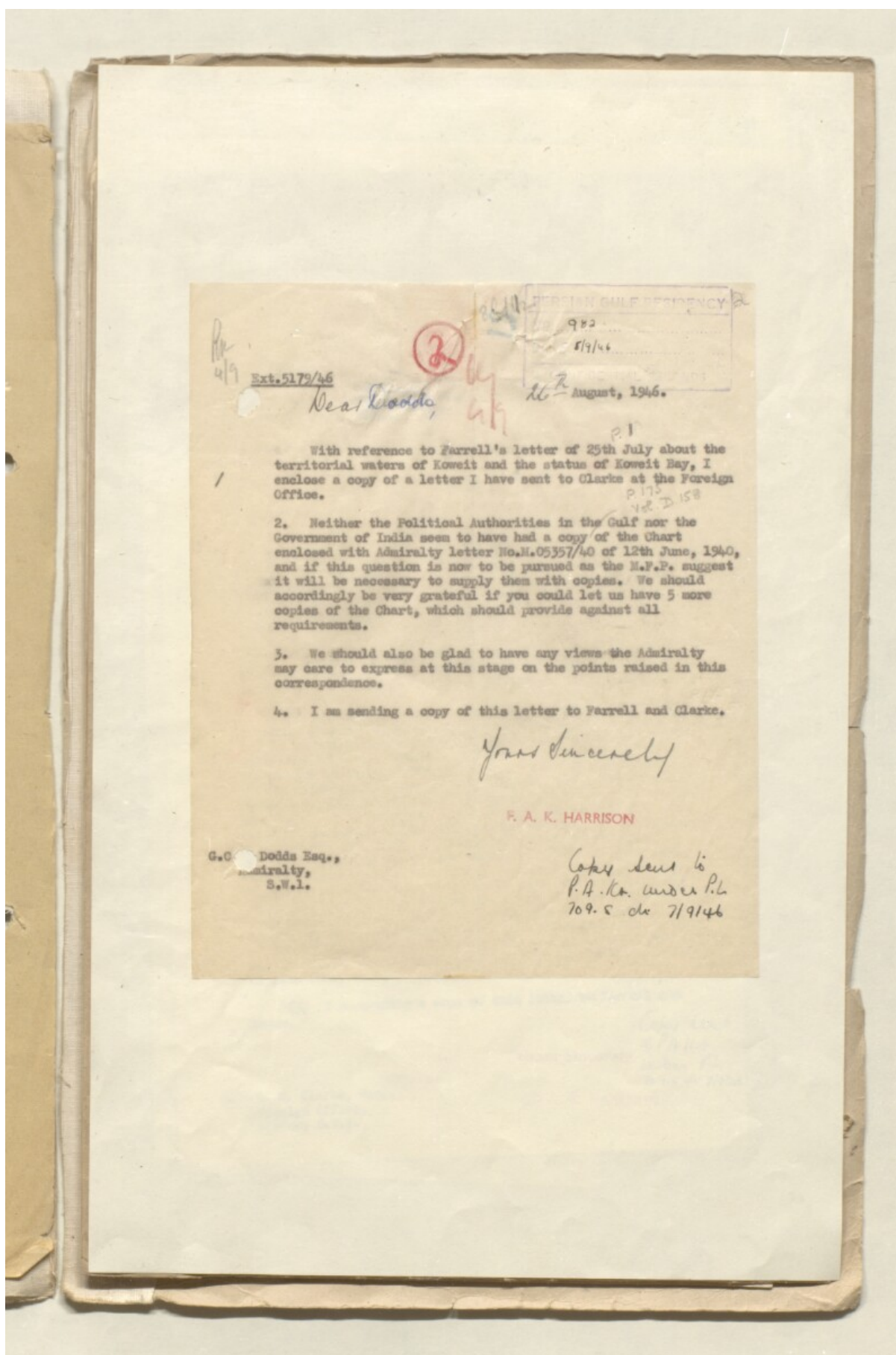


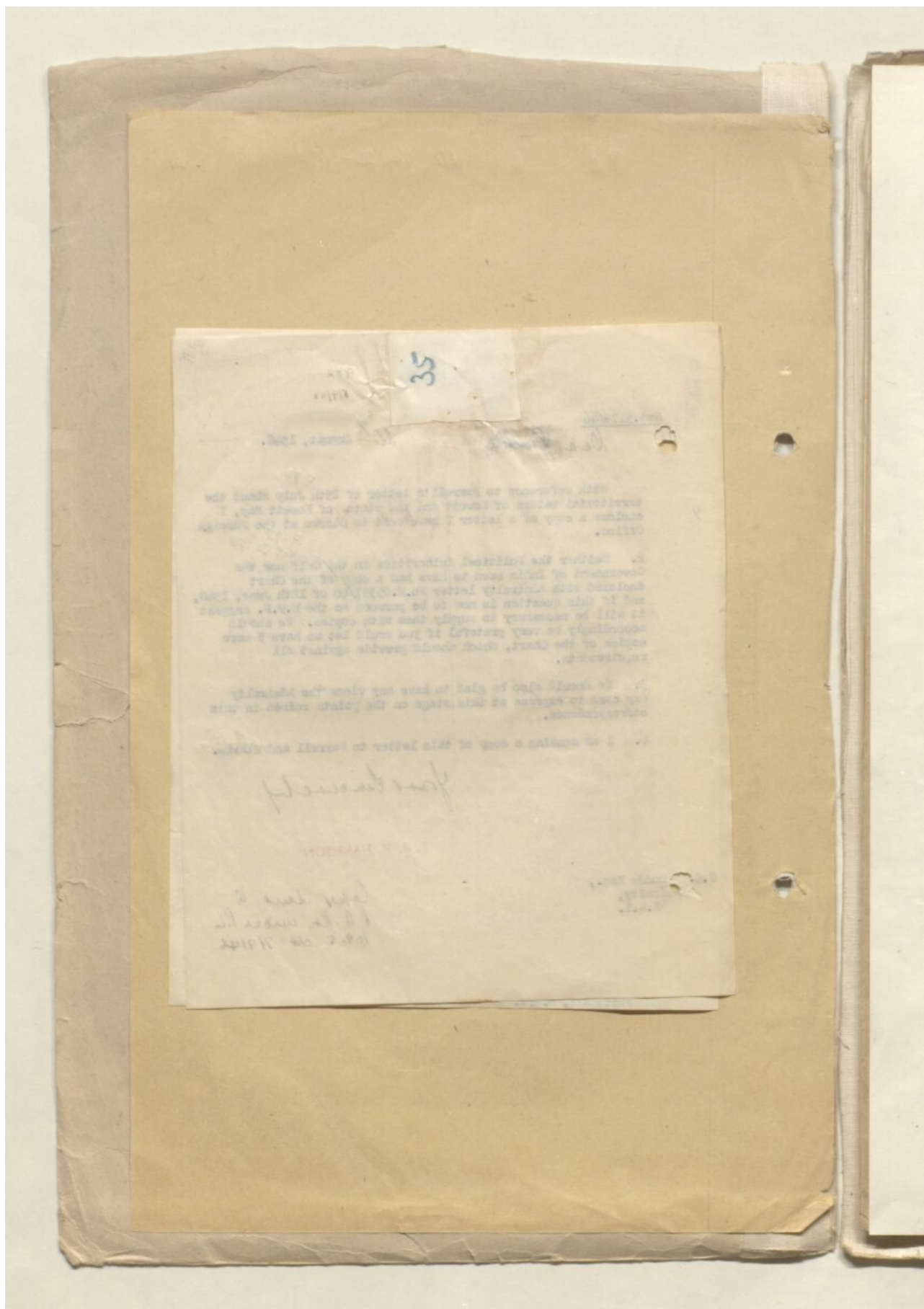




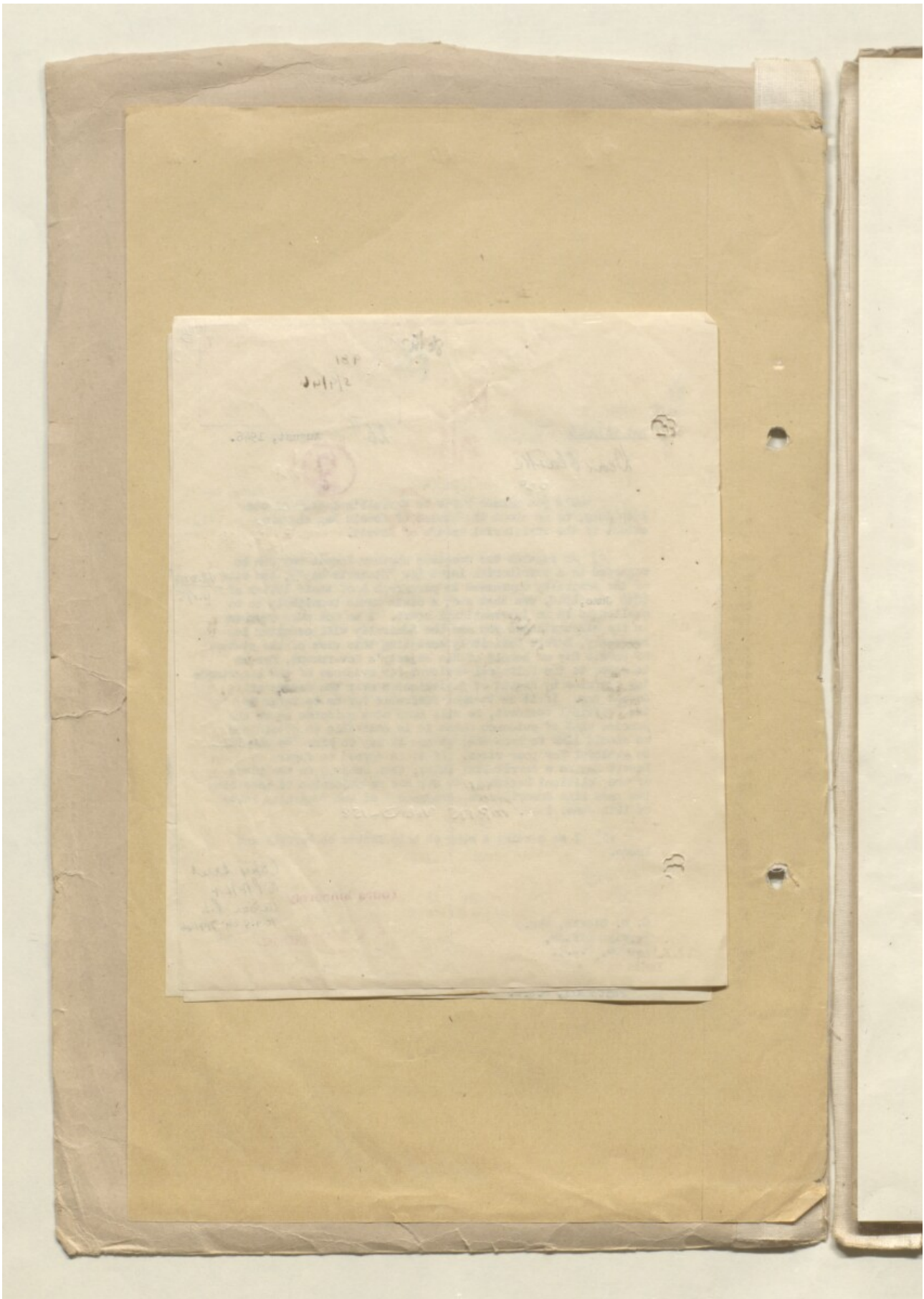


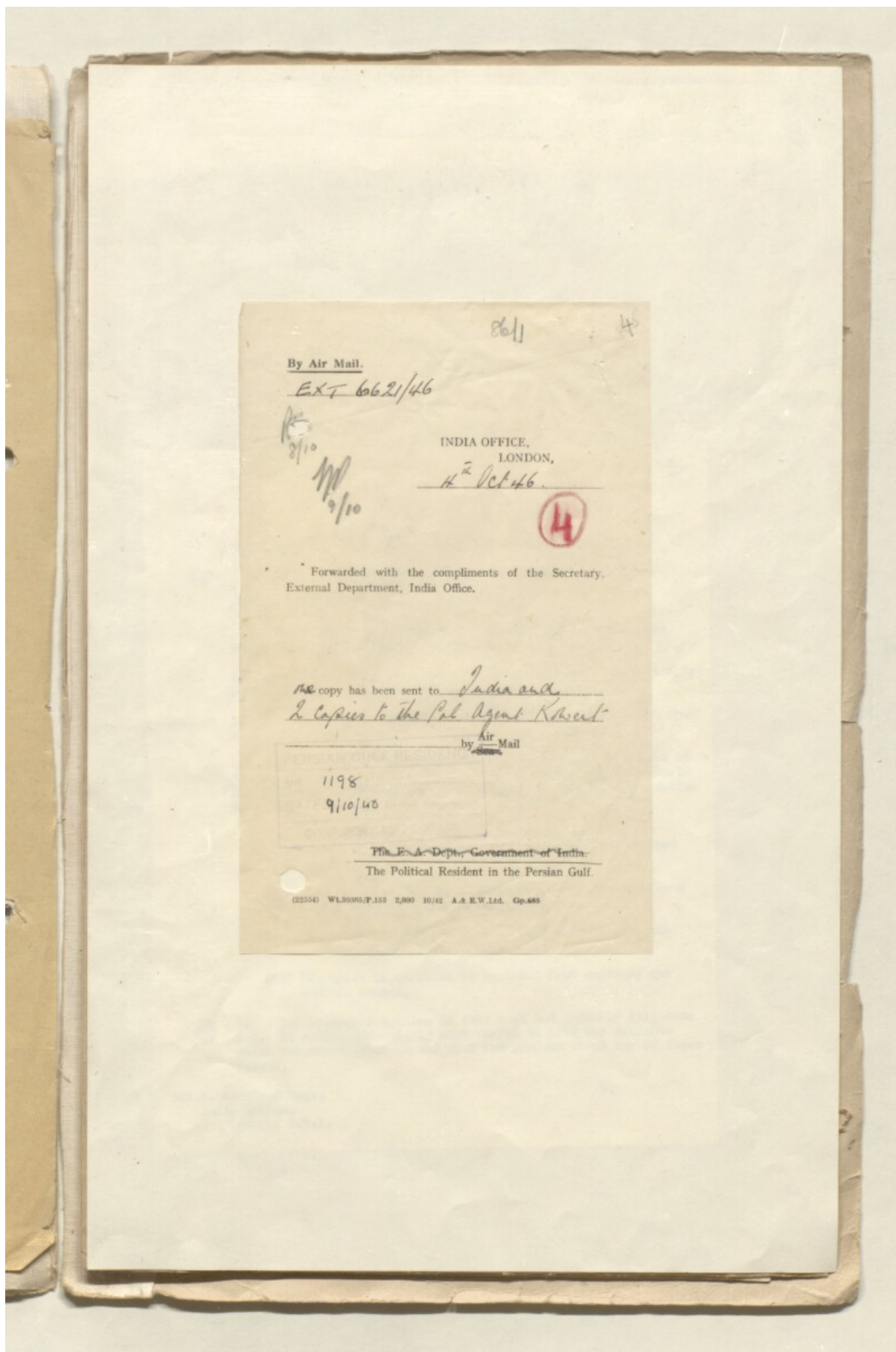


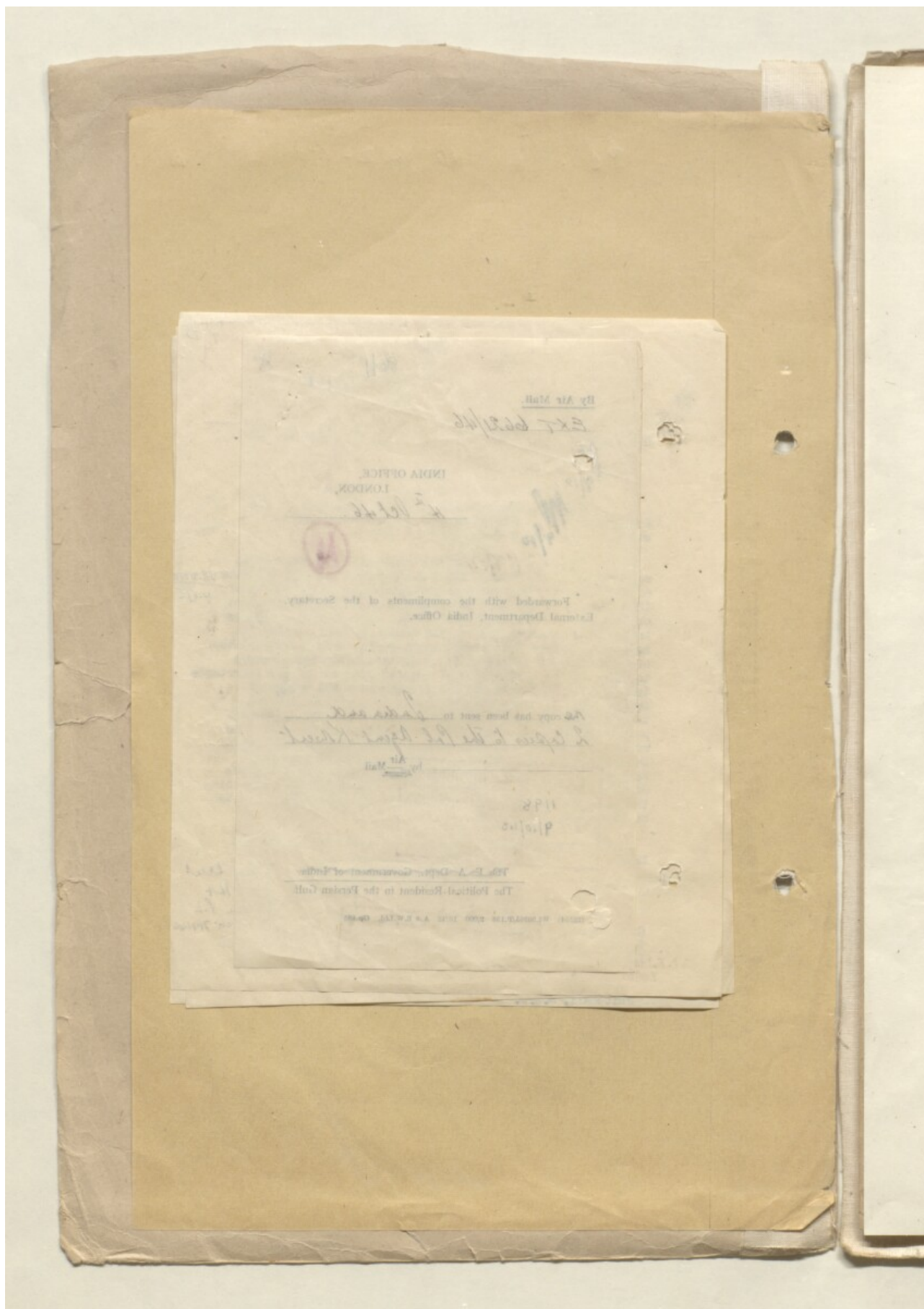














Ext.6621/46

Military Branch I,

"M.02250/46"

Admiralty, S.W.I.

26th September, 1946.

My dear Harrison, I am sorry to hear that you are ill.

Please refer to your letter - Ext.5179/46 - of the 26th August about the status of Kuwait Bay.

2. We see no reason to modify the views expressed in Admiralty Letter M.05357/40 of the 12th June, 1940.

..... 3. As requested, I enclose five copies of the chart which we sent you at that time.

4. With regard to your letter of the 26th August to Clarke at the Foreign Office, configuration is, of course, the main basis for claiming territoriality in an inlet. It is, however, useful to be able to say in addition that -

(i) territorial rights over the inlet in question are essential for reasons of defence, neutrality or food supply:

(ii) they have been either claimed or exercised for a long period without protest by other powers:

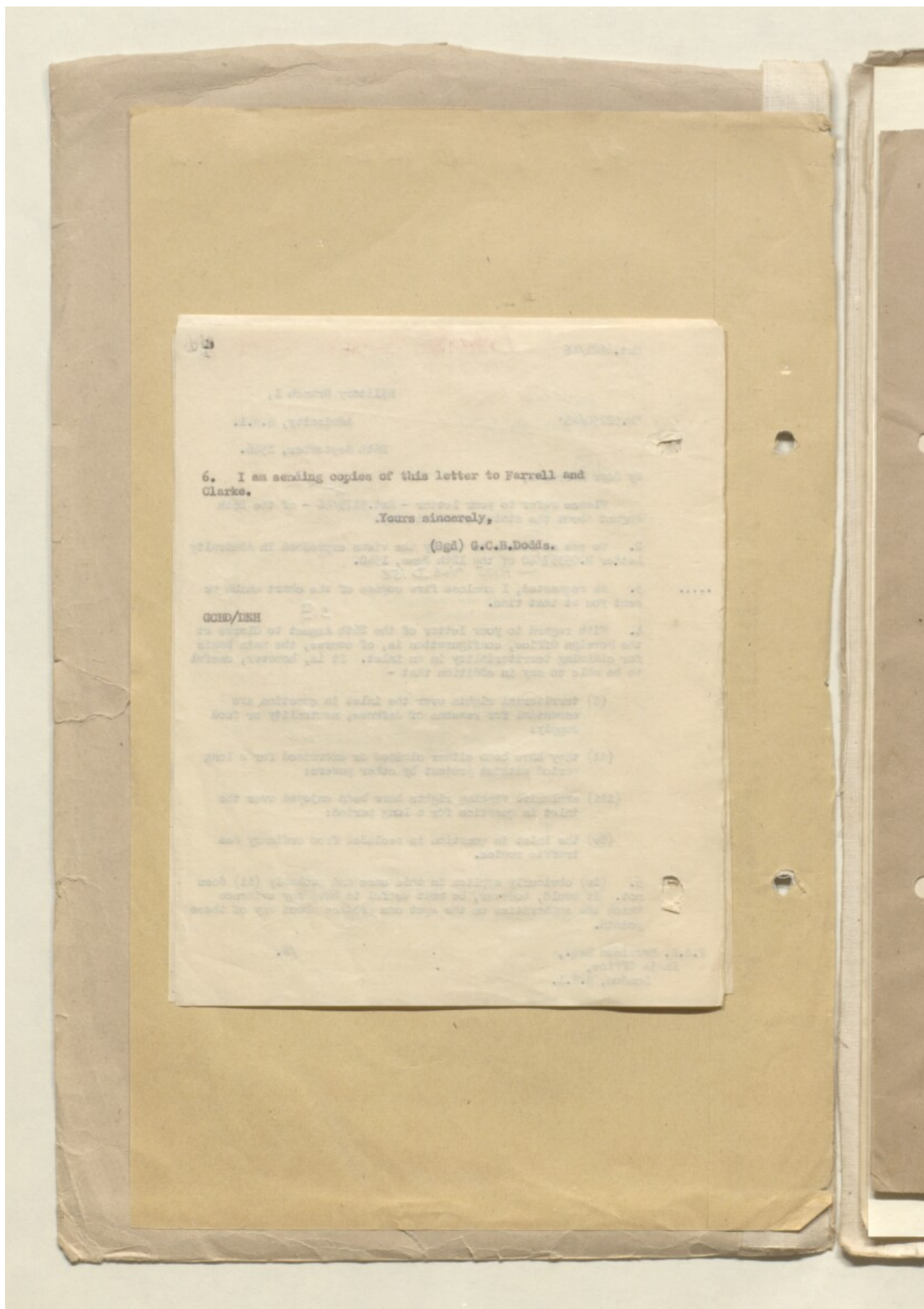
(iii) exclusive fishing rights have been enjoyed over the inlet in question for a long period:

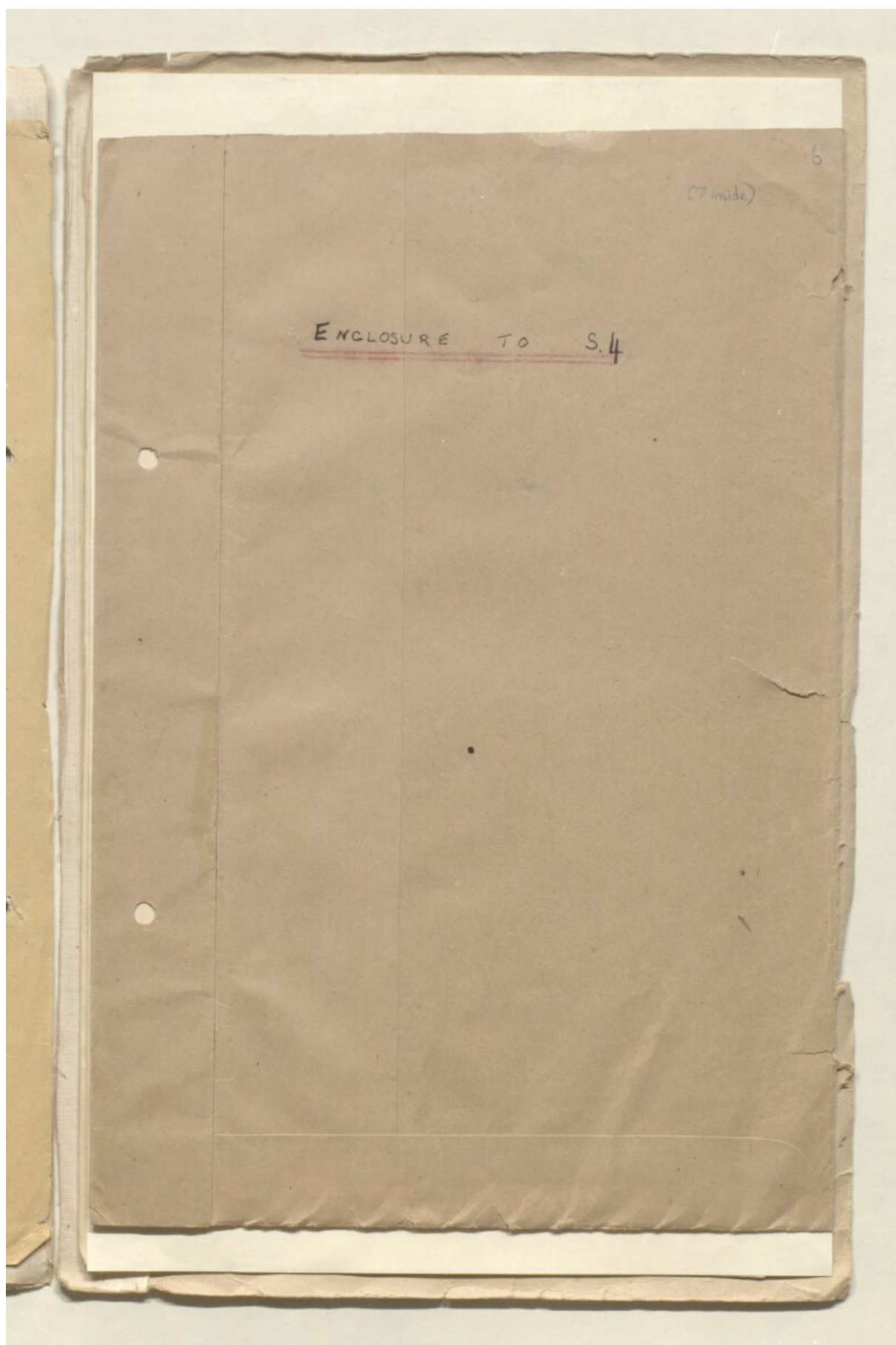
(iv) the inlet in question is secluded from ordinary sea traffic routes.

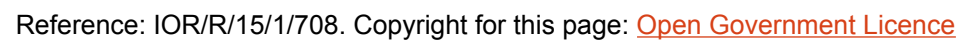
5. (iv) obviously applies in this case and probably (ii) does not. It would, however, be most useful to have any evidence which the authorities on the spot can produce about any of these points.

F.A.K. Harrison Esq.,
India Office,
London, S.W.I.

/6.







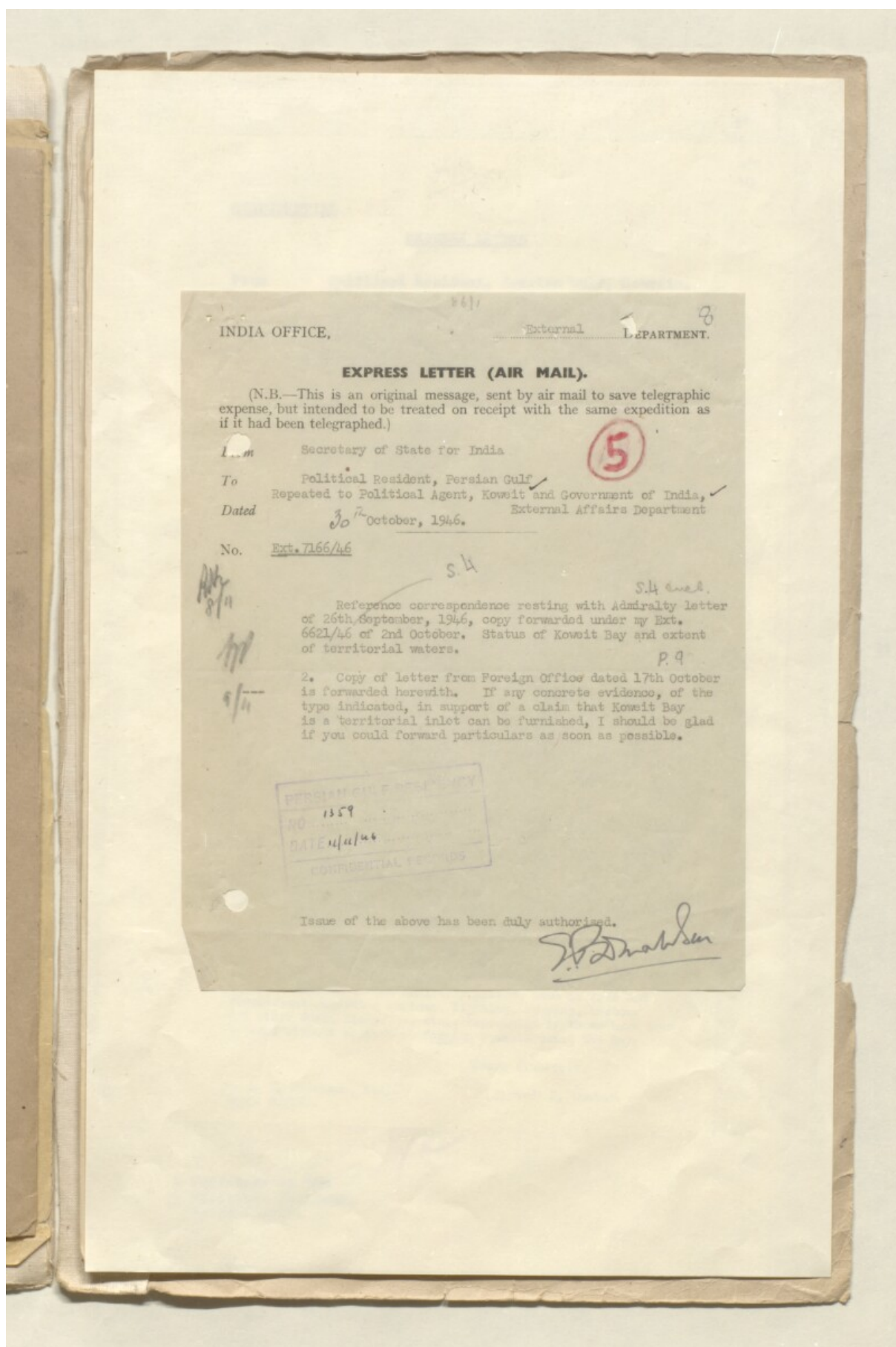


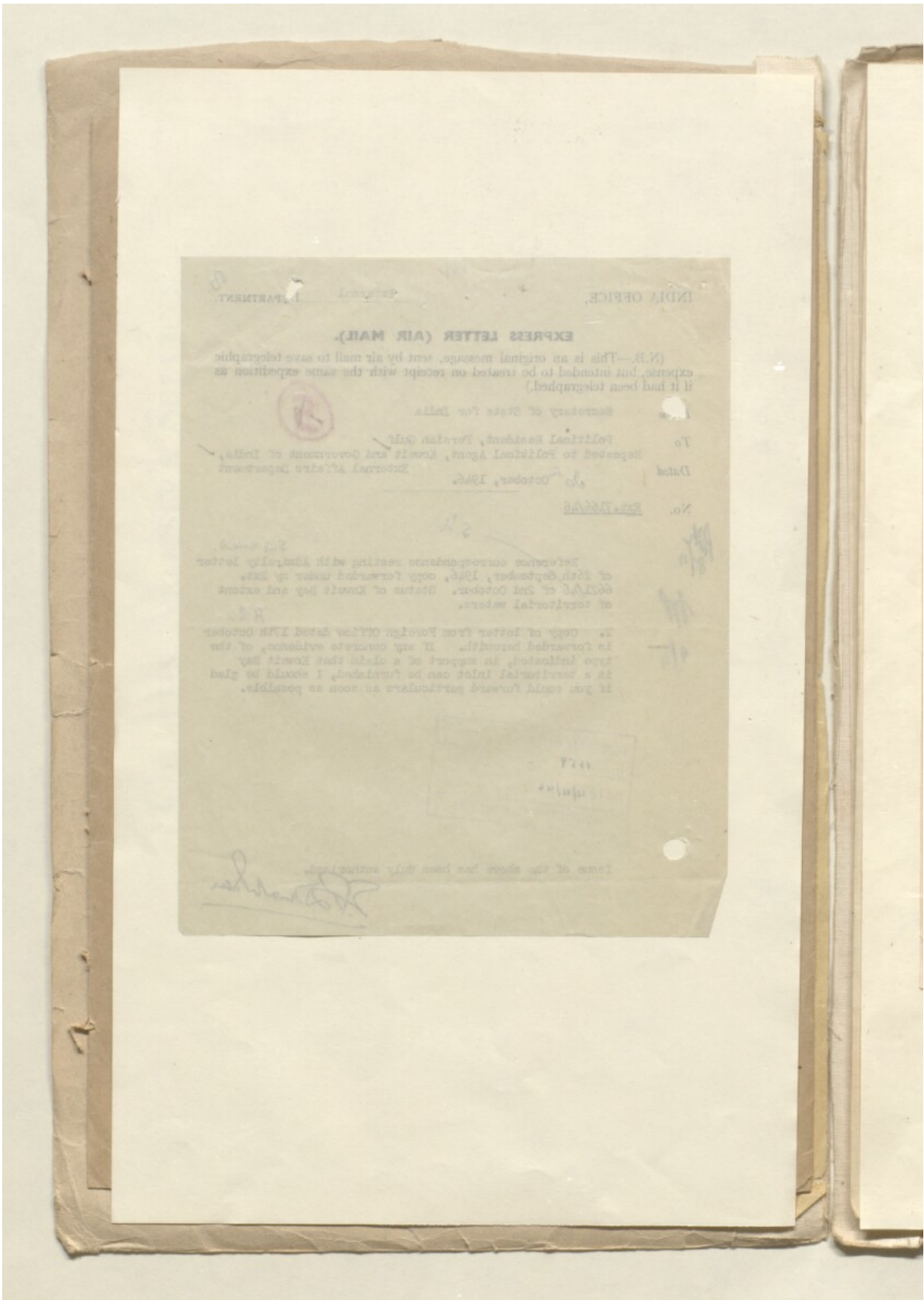
Map of Kuwait Bay [7v] (2/2)

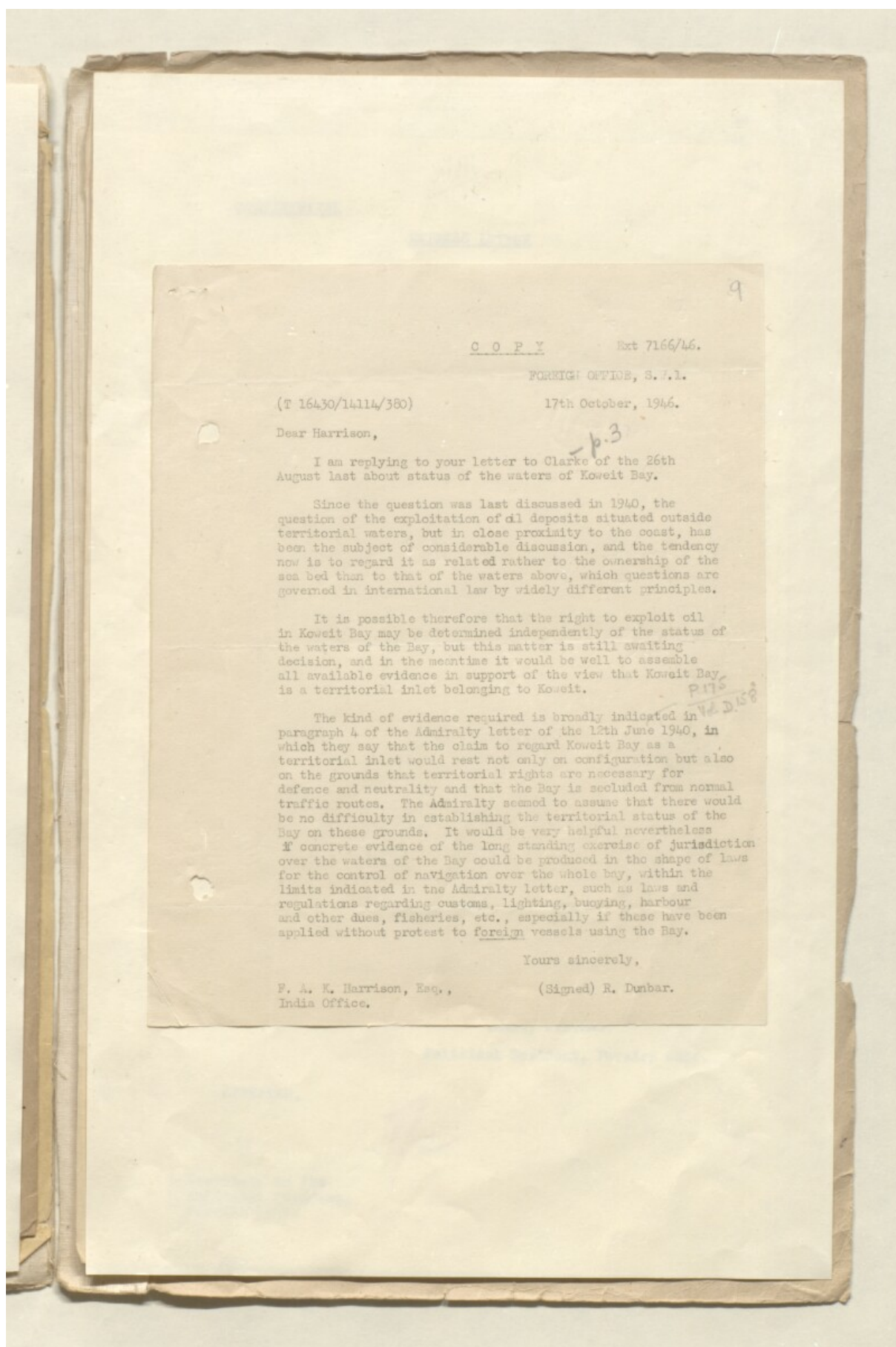
ENCLOSURE TO S. II

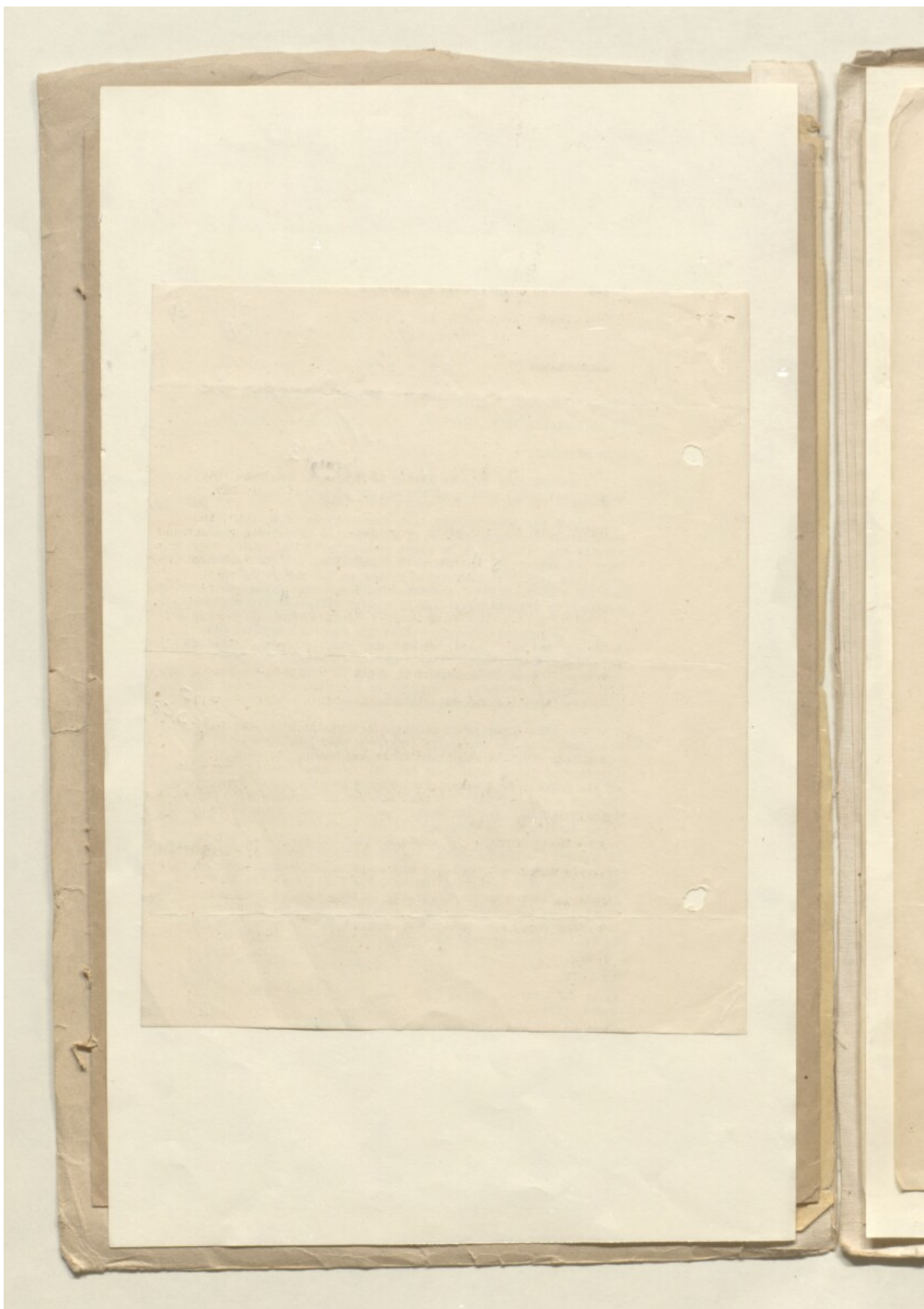


On His Majesty's Service











86/66
10
CONFIDENTIAL

EXPRESS LETTER

From Political Resident, Persian Gulf, Bahrain.
To Retaxandum, London.
Repeated Foreign, New Delhi.
Political, Kuwait.

No. 1206-S

Dated the 27th December 1946.

Reference your express letter No. Ext. 7166/46 dated the 30th October 1946. Status of Kuwait Bay and extent of territorial waters.

2. Political Agent reports no laws of the nature indicated have ever been promulgated by Kuwait. It does, however, occasionally happen that ships of foreign nationality anchor in the bay beyond the three mile limit and the Shaikh's Customs, passport and quarantine officials board them to carry out their duties. No objection has ever been made on the ground that the ship is beyond territorial limits.

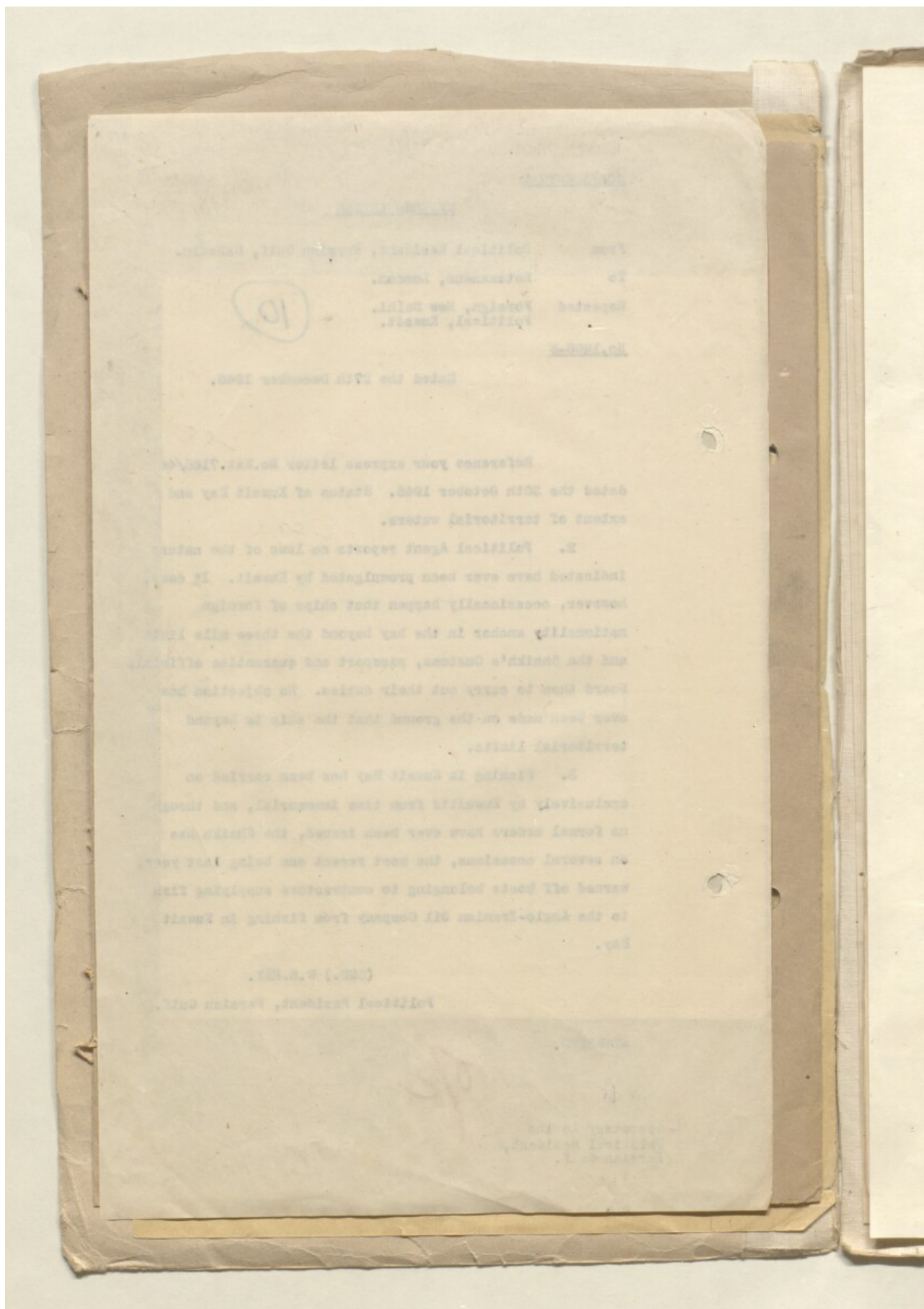
3. Fishing in Kuwait Bay has been carried on exclusively by Kuwaitis from time immemorial, and though no formal orders have ever been issued, the Shaikh has on several occasions, the most recent one being last year, warned off boats belonging to contractors supplying fish to the Anglo-Iranian Oil Company from fishing in Kuwait Bay.

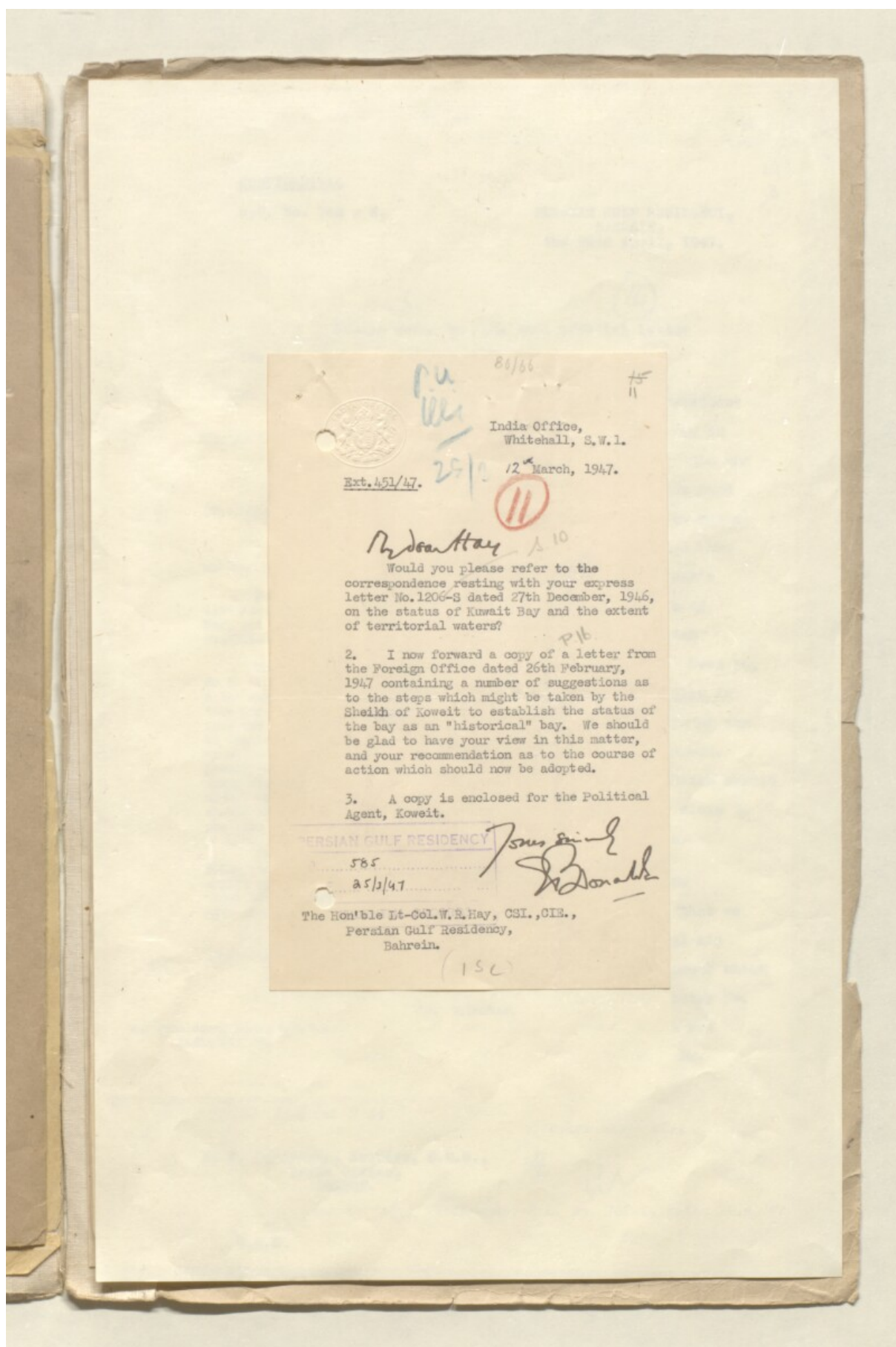
(SGD.) W.R.HAY.

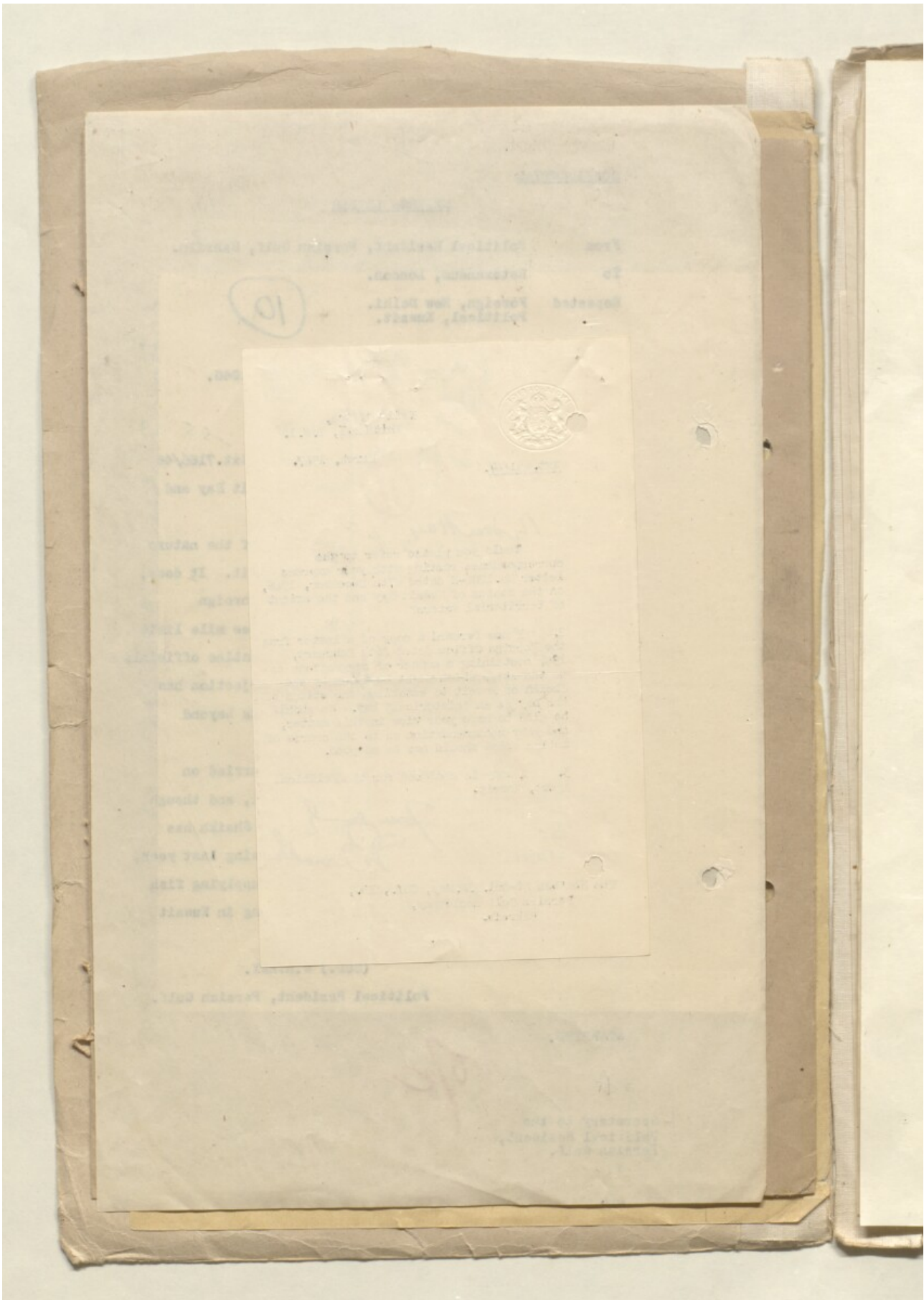
Political Resident, Persian Gulf.

ATTESTED.

Secretary to the
Political Resident,
Persian Gulf.









Ext. 451/1947.

12

FOREIGN OFFICE, S.W.1.

(T.1001/1001/380)

26th February, 1947.

My dear Donaldson,

We have been considering your letter No. Ext. 85/47 of the 11th January about the legal character of the waters of Kuwait Bay, and whether any steps can be taken and by whom, to establish the status of the bay as an "historical" bay.

There are various things the Sheikh of Kuwait could do to affirm the national status of the bay, namely (1) enact a law saying that the bay is Kuwait national waters, (2) to take more definite action, without enacting any law, indicating that the Sheikh does claim the bay as his national waters e.g. by issuing notices or regulations indicating that certain provisions of existing laws, and so forth, which apply to Kuwait territory apply to this bay, (3) to issue a regulation about fishing in Kuwait Bay, reserving it, if that is what is always done, to Kuwait nationals. Any law issued under (1) should make it clear that it is merely declaratory of the position as it always has been.

The above list is not, of course, exhaustive. One thing the Sheikh can do, without bringing the "continental shelf" question into it, is to tell the concessionary company that his territory does extend to the mouth of the Bay, and give his definition of the bay.

I am sending copies of this letter to Dodds at the Admiralty and Farrell at the Ministry of Fuel and Power.

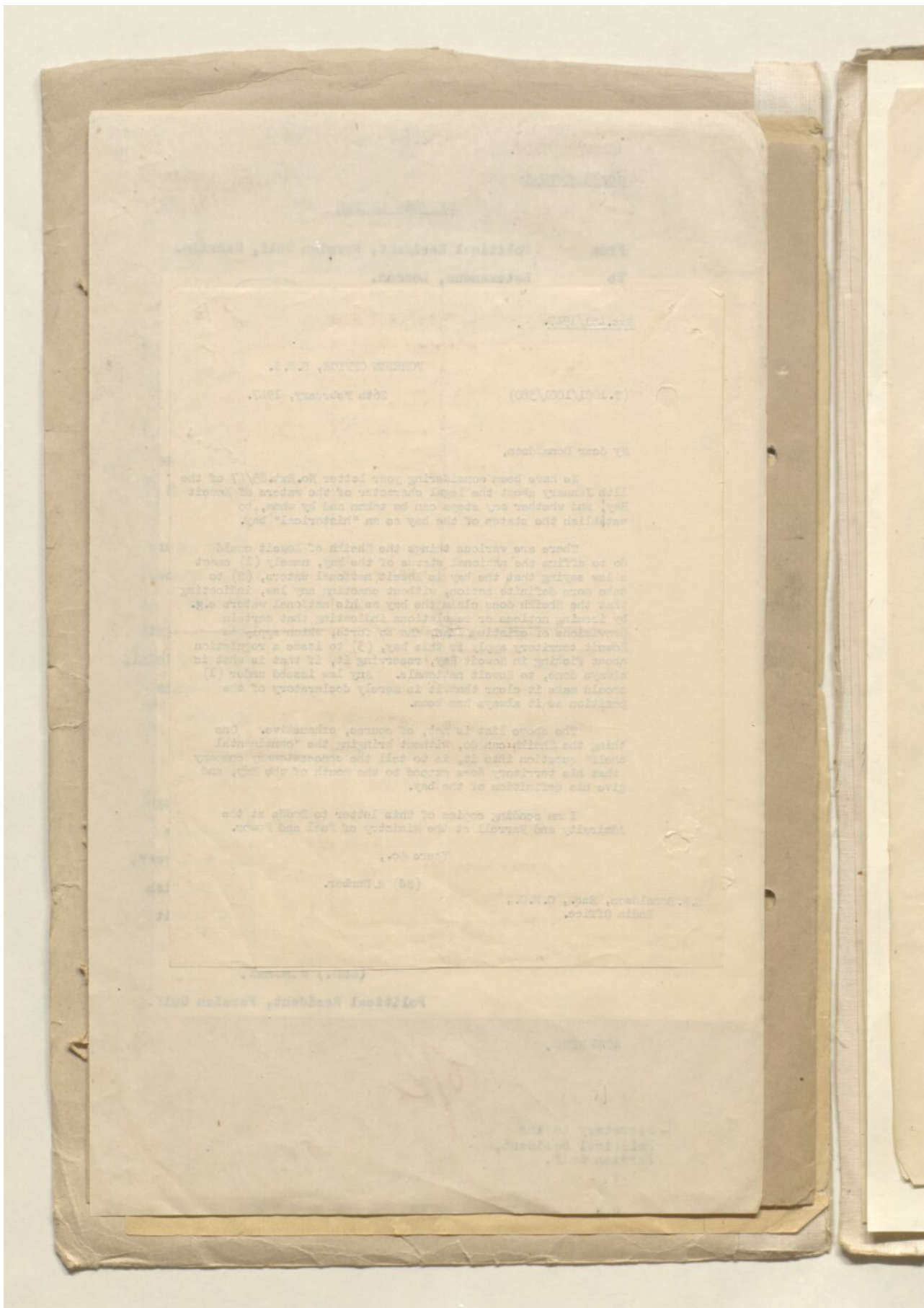
Yours &c.,

(Sd) R. Dunbar.

E. P. Donaldson, Esq., C.M.G.,
India Office.



'File 86/66 Status of Kuwait Bay and Extent of Territorial Waters in Kuwait'
[12v] (28/42)





CONFIDENTIAL

86/66

13

D.O. No. 762 - S.

PERSIAN GULF RESIDENCY,
BAHRAIN.
the 29th April, 1947.

Please refer to your demi official letter
No. Ext.451/47, dated the 12th March, 1947.

2. I am not in favour of the first two suggestions in Dunbar's letter. There is no established process in Kuwait for enacting laws and if the Shaikh were to take the present opportunity for establishing such a practice much undesirable publicity and comment would be likely to ensue. With regard to the third suggestion plans or notices have been issued by Shaikhs in the past cf. Shaikh Mubarak's plans published as Nos. 3B and 3C in the collection of Treaties and Engagements in force between the British Government and the Rulers of Kuwait, 1841 - 1913. Even so, I consider that for the Shaikh to publish such an plan in the present case out of the blue and not as a result of any specific incident might again cause undesirable comment. If, however, it is considered essential that the Shaikh should publish something in writing to establish Kuwait's claim to the bay this is the best course to recommend to him.

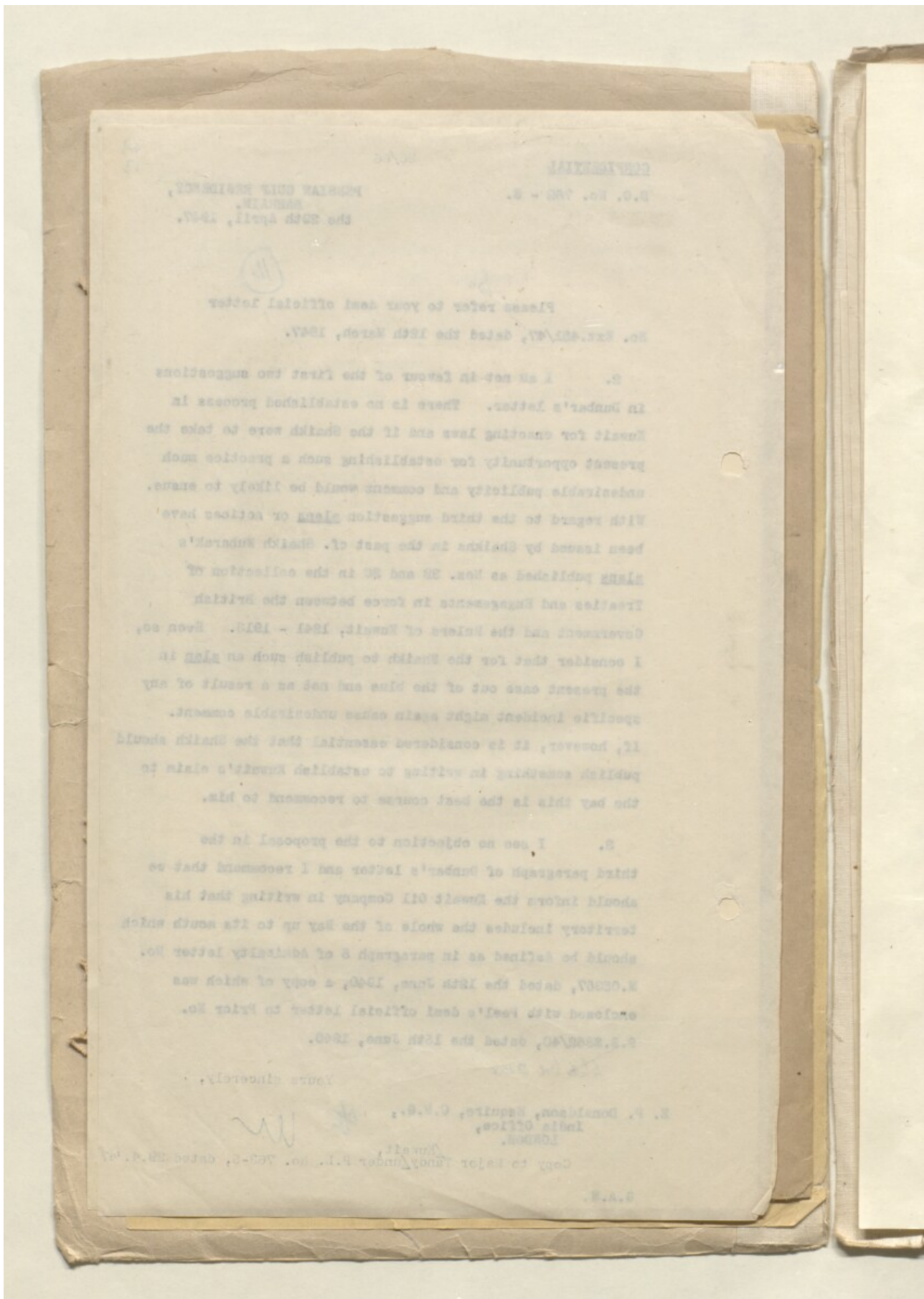
3. I see no objection to the proposal in the third paragraph of Dunbar's letter and I recommend that we should inform the Kuwait Oil Company in writing that his territory includes the whole of the Bay up to its mouth which should be defined as in paragraph 5 of Admiralty letter No. M.05357, dated the 12th June, 1940, a copy of which was enclosed with Peel's demi official letter to Prior No. P.Z.3362/40, dated the 15th June, 1940.

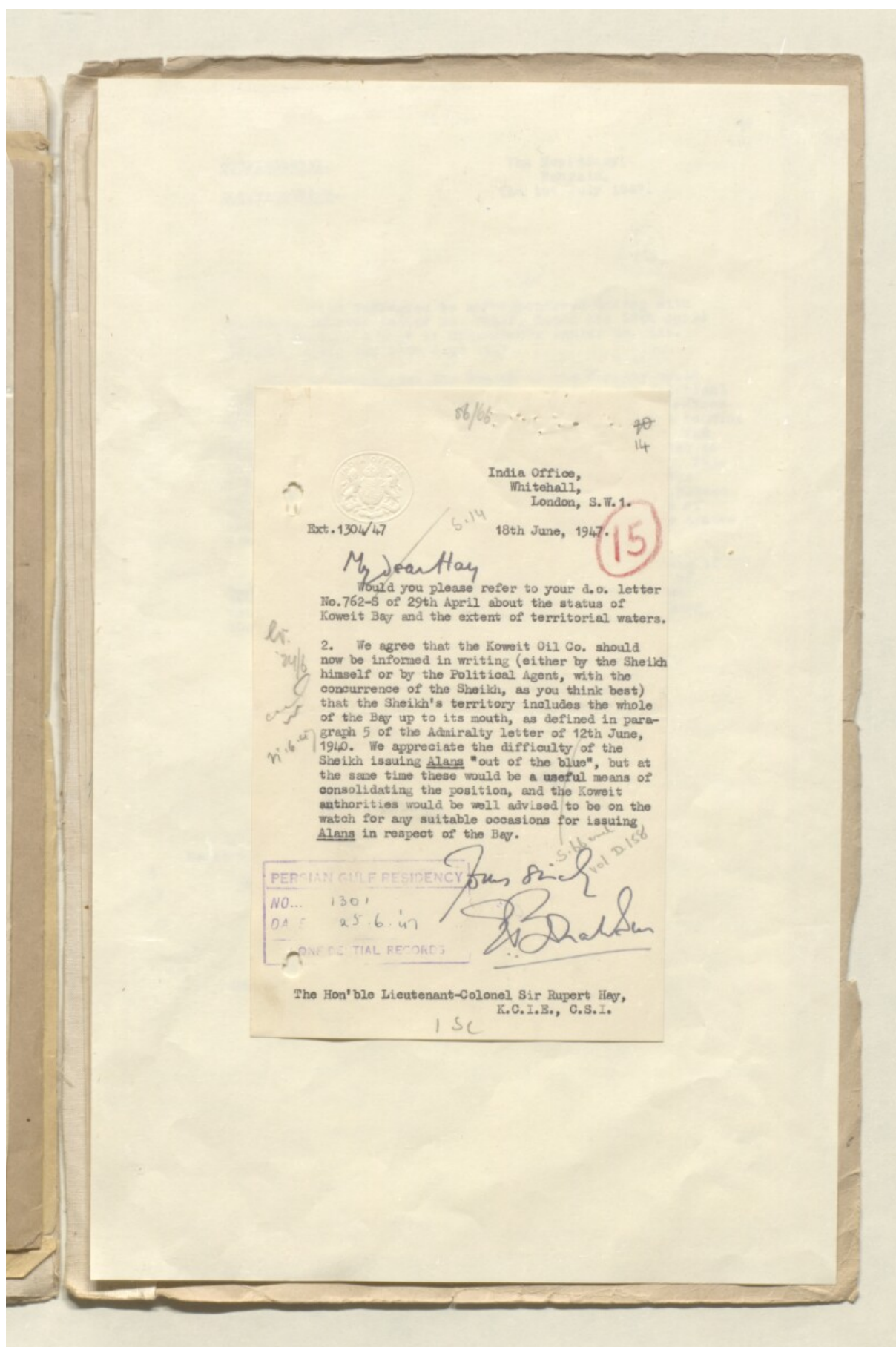
Yours sincerely,

E. P. Donaldson, Esquire, C.M.G.,
India Office,
LONDON.

Copy to Major Tandy under P.L. No. 763-S, dated 29.4.47

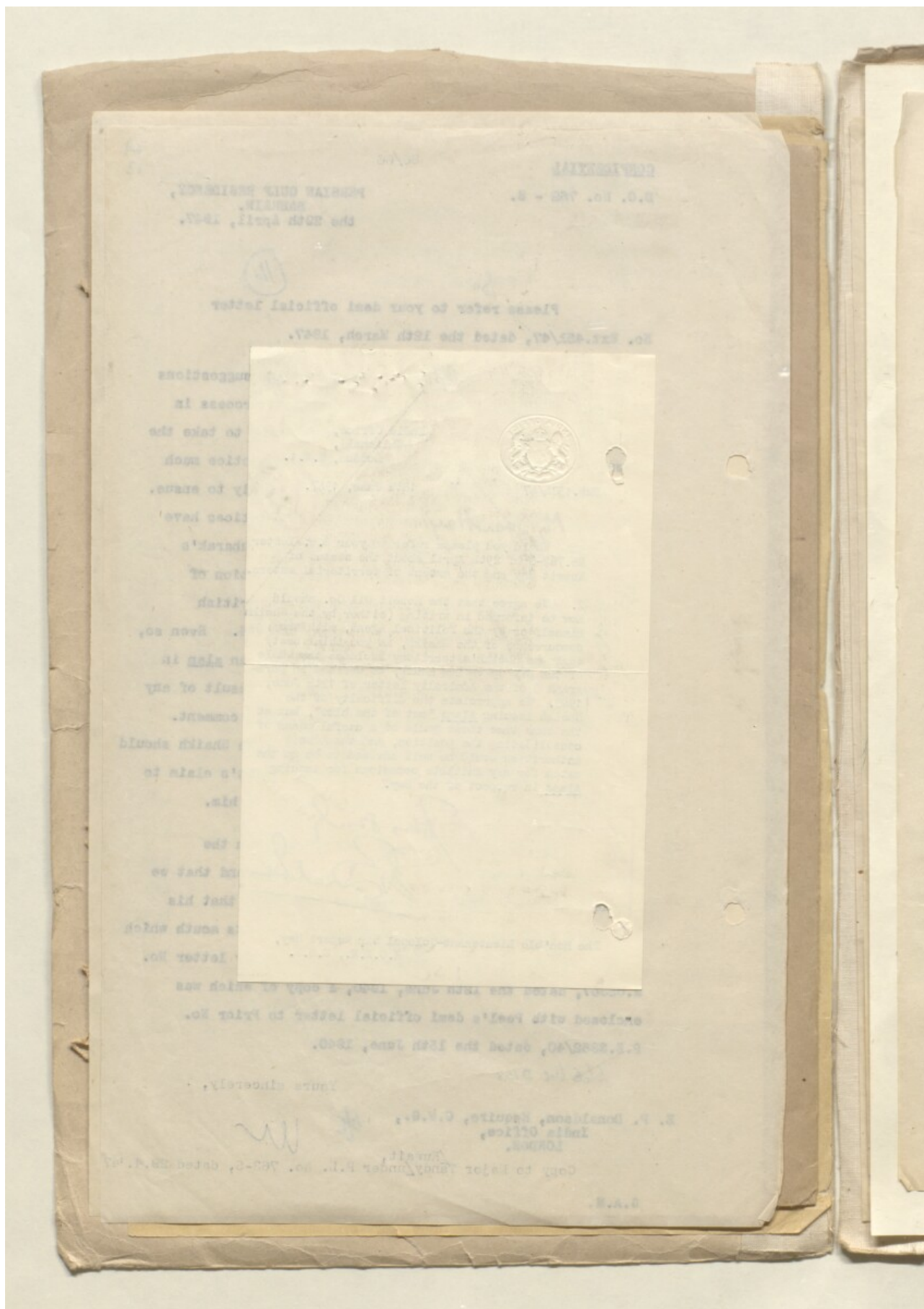
G.A.M.

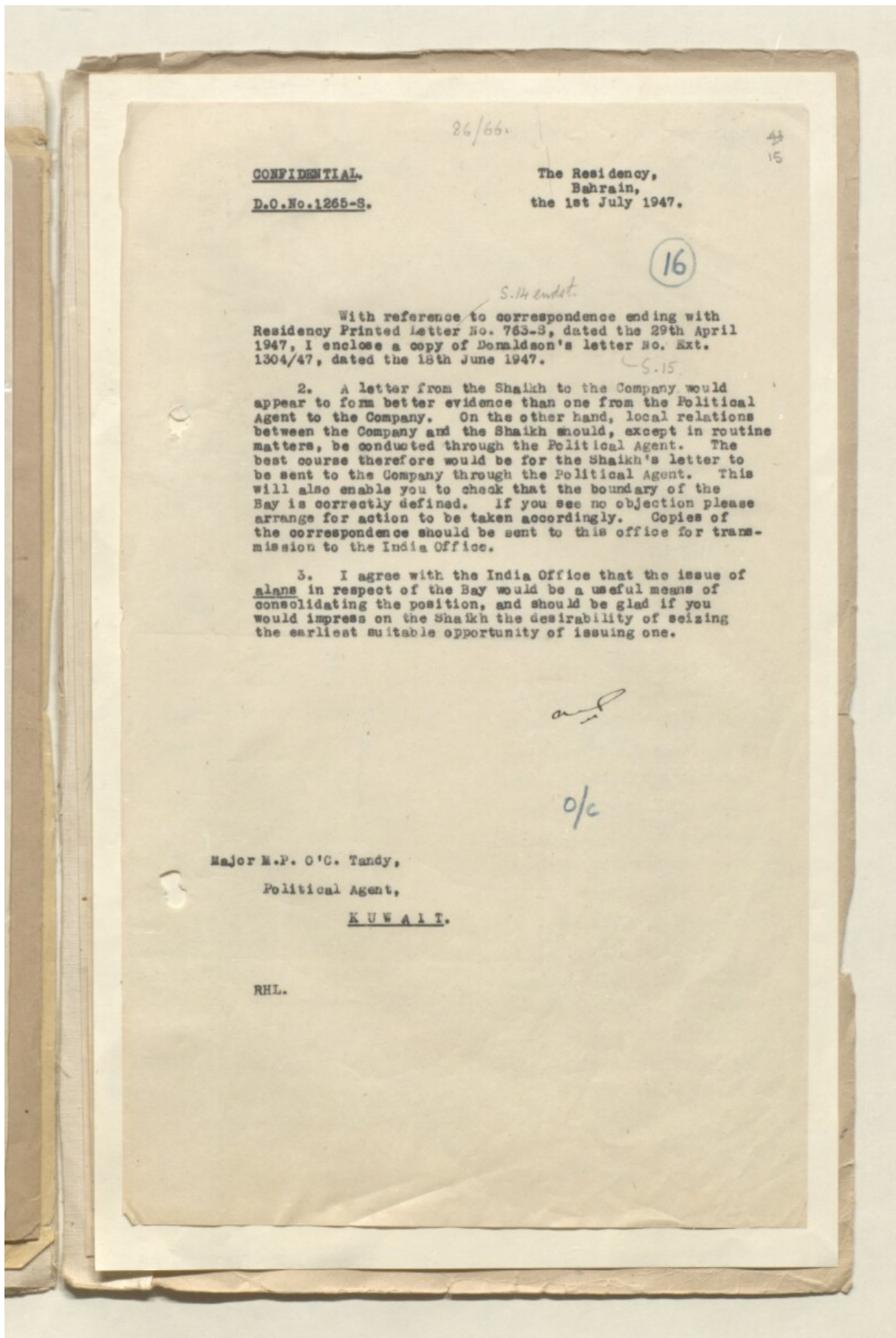






'File 86/66 Status of Kuwait Bay and Extent of Territorial Waters in Kuwait'
[14v] (32/42)





26/66.

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CONFIDENTIAL.

D.O.No.1265-S.

The Residency,
Bahrain,
the 1st July 1947.

(16)

S.14 endat.
With reference to correspondence ending with
Residency Printed Letter No. 763-S, dated the 29th April
1947, I enclose a copy of Donaldson's letter No. Ext.
1304/47, dated the 18th June 1947. *S.15.*

2. A letter from the Shaikh to the Company would
appear to form better evidence than one from the Political
Agent to the Company. On the other hand, local relations
between the Company and the Shaikh should, except in routine
matters, be conducted through the Political Agent. The
best course therefore would be for the Shaikh's letter to
be sent to the Company through the Political Agent. This
will also enable you to check that the boundary of the
Bay is correctly defined. If you see no objection please
arrange for action to be taken accordingly. Copies of
the correspondence should be sent to this office for trans-
mission to the India Office.

3. I agree with the India Office that the issue of
plans in respect of the Bay would be a useful means of
consolidating the position, and should be glad if you
would impress on the Shaikh the desirability of seizing
the earliest suitable opportunity of issuing one.

and
o/c

Major M.P. O'C. Tandy,

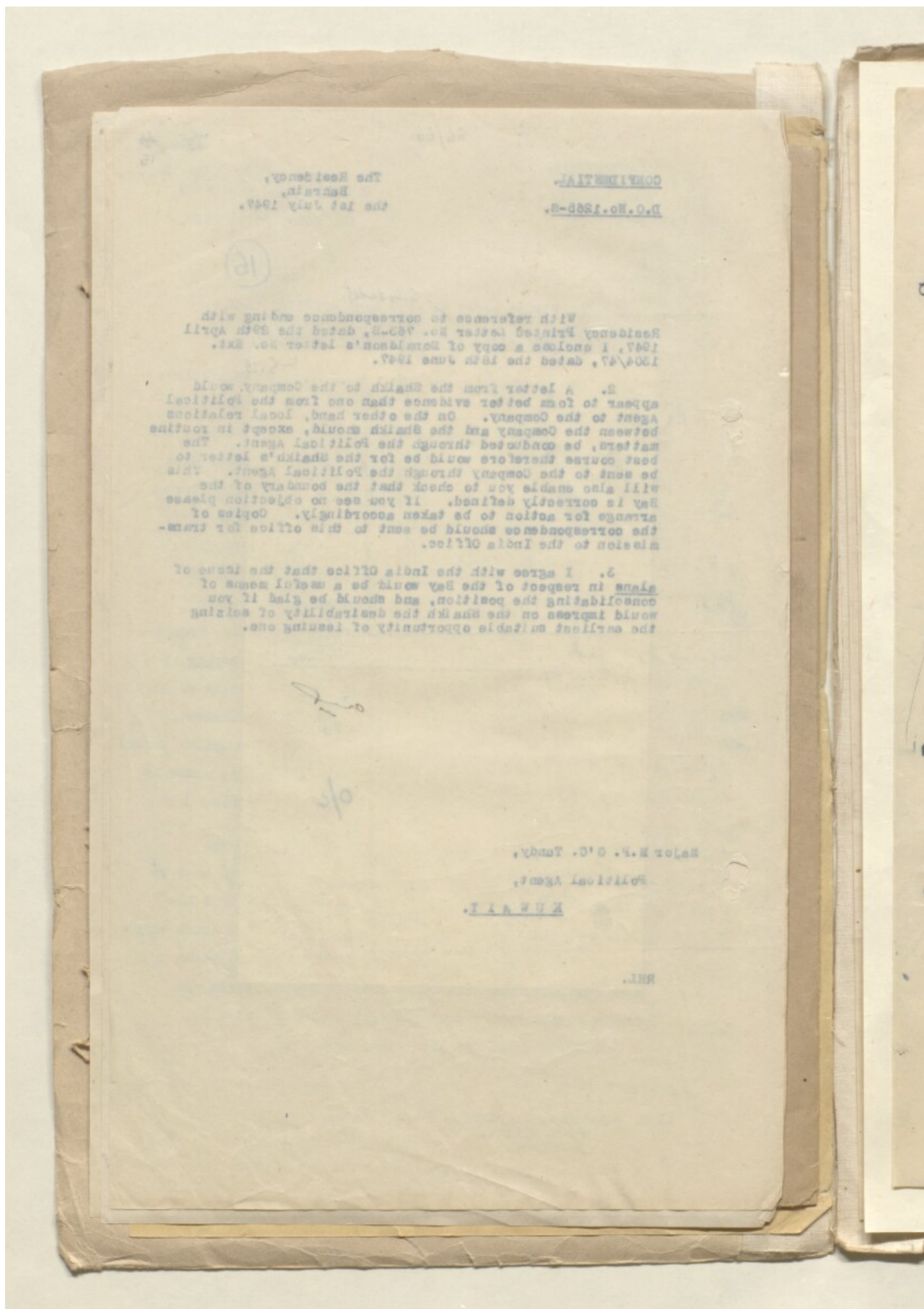
Political Agent,

KUWAIT.

RHL.



'File 86/66 Status of Kuwait Bay and Extent of Territorial Waters in Kuwait'
[15v] (34/42)





سري
رقم سي ١٧/٤٩
دار الاعتماد
الكويت ١٢ جولي ١٩٤٧

CONFIDENTIAL.

No.C/ ١٤٦ - ٤/٣٤

Political Agency,

Kuwait.

12th July, 1947.

حضرة صاحب السمو الشيخ
احمد الجابر الصباح
كي. سي. لن. اي. - كي. سي. اي. في.
حاكم الكويت المعظم

His Highness

Shaikh Sir Ahmed al Jabir

As-Subah, K.C.S.I., K.C.I.E.,

Ruler of Kuwait.

تحية واحترام فائقين

After Compliments,

اتشرف ان اشكر الى محادثتنا
التي جرت يوم الخميس عاشر جولي
سنة ١٩٤٧ بخصوص موقع خليج
الكويت وان اؤيد باني سيكون
ممتنا اذا وجهتم سموكم رسالة الى
شركة زبت الكويت - عن طرفي
بموجب الشرط
التالية -

I have the honour to refer
to our conversation of Thursday the
10th July, 1947 regarding the status
of Kuwait Bay and to confirm that I
shall be grateful if Your Highness
will address a letter to the Kuwait
Oil Company through me in the
following terms:-

" ان الدلي لتحري هذا
هو لاطلاع شركتكم بان اقليم
امارة الكويت يشمل خليج الكويت
الذي يمتد فسه من الخط العرضي
من علامة الماء - في حالة
الجزر في راس الارض الى نقطة
لدى علامة الجزر في الساحل
العقابل على خط العرض ٢٩ درجة
و ٢٧ دقيقة و ١٠ ثواني شمالا وخط الطول
٤٨ درجة و ١٤ دقيقة و ٠٠ ثانية شرقا
وحددود المياه الإقليمية هي خط
رسم ٣ أميال بحرية باتجاه البحر
ويوازي هذا الخط الاساسي .
ان النقطة التي أعطيت منها خطوط
المرشور للخطول اعلاه تقع نحو ميلين ونصف
ميل جنوبي غربي جزيرة مسكان .

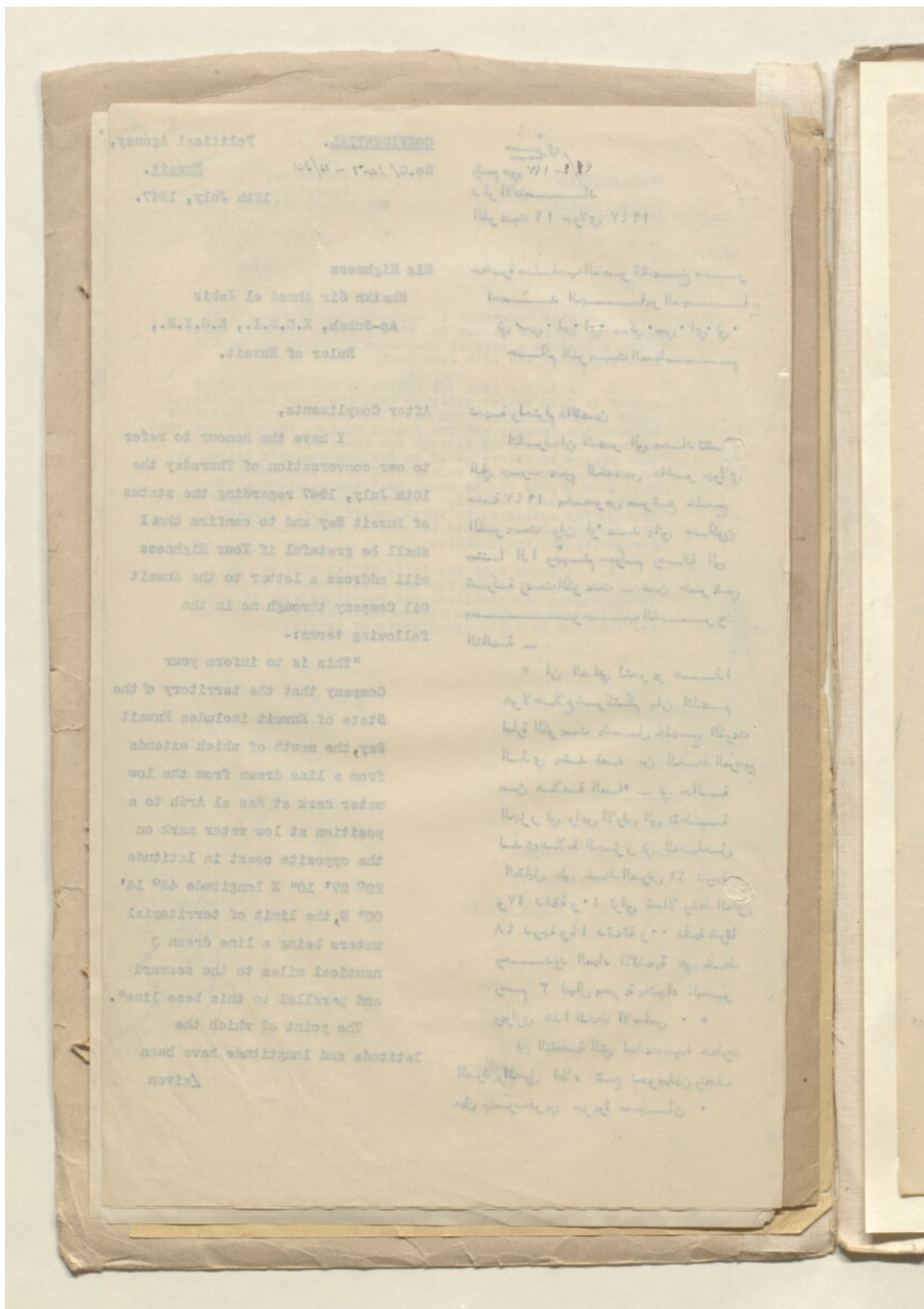
"This is to inform your

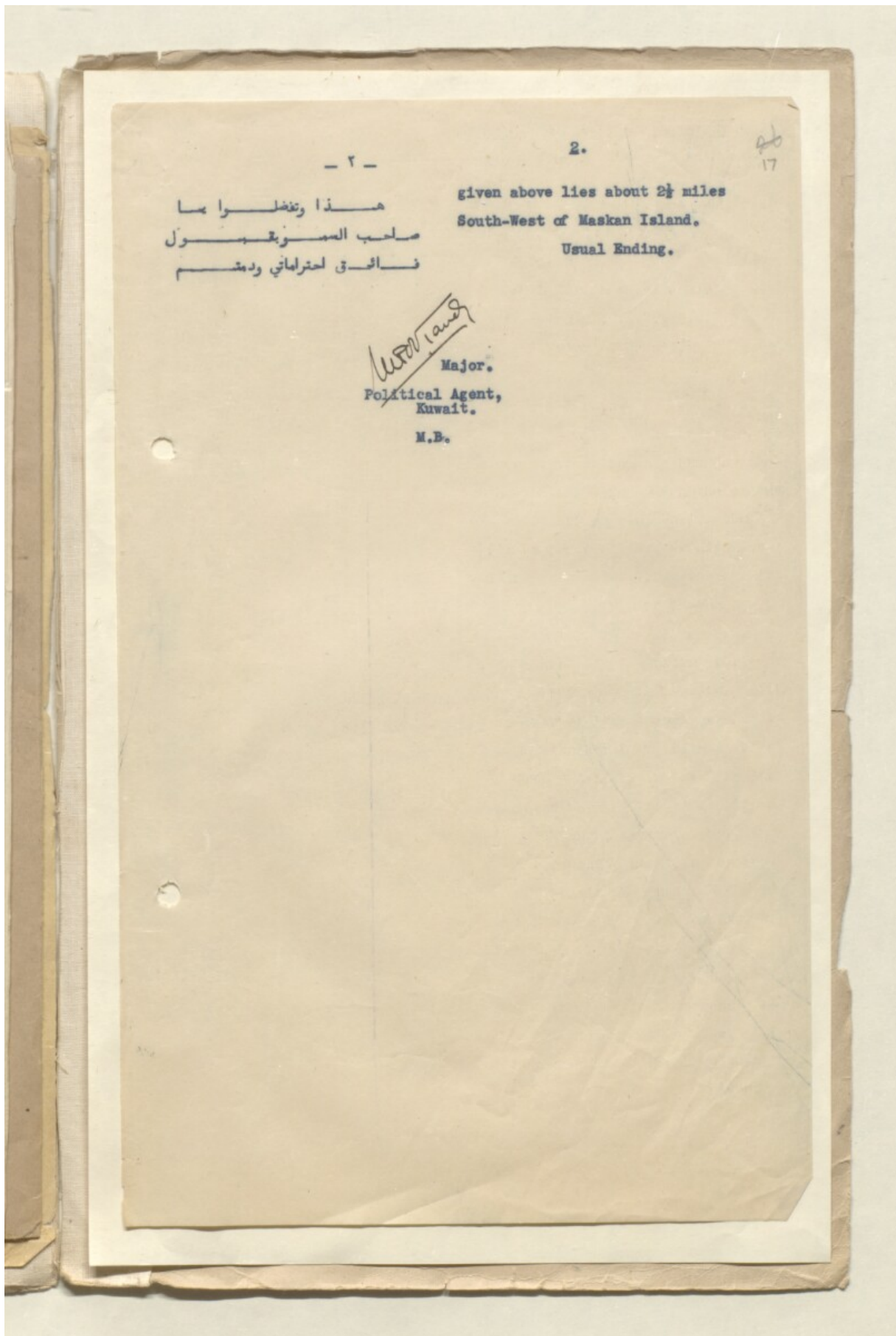
Company that the territory of the
State of Kuwait includes Kuwait
Bay, the mouth of which extends
from a line drawn from the low
water mark at Ras al Ardh to a
position at low water mark on
the opposite coast in latitude
29° 27' 10" N longitude 48° 14'
00" E, the limit of territorial
waters being a line drawn 3
nautical miles to the seaward
and parallel to this base line".

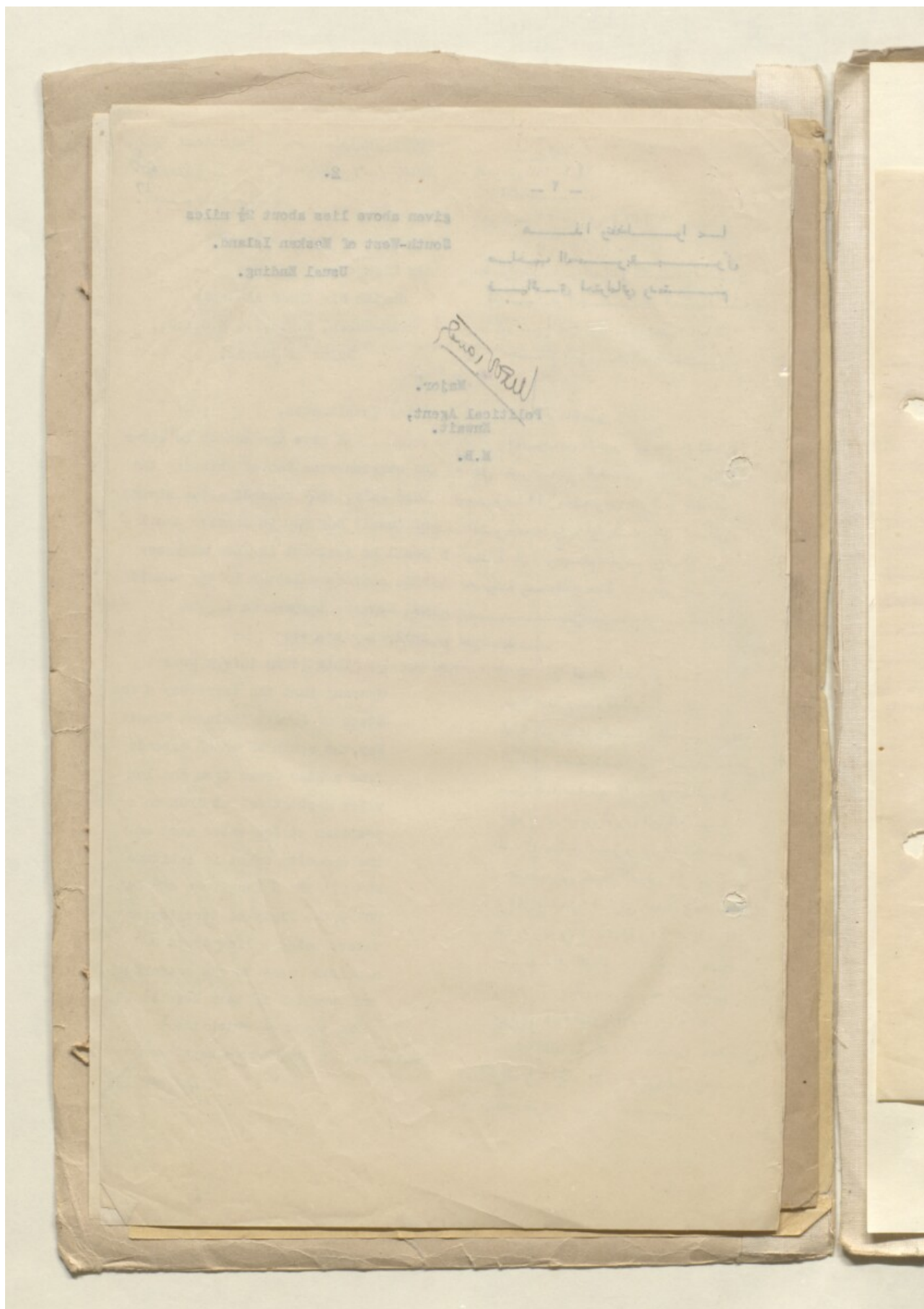
The point of which the
latitude and longitude have been
/given



'File 86/66 Status of Kuwait Bay and Extent of Territorial Waters in Kuwait'
[16v] (36/42)





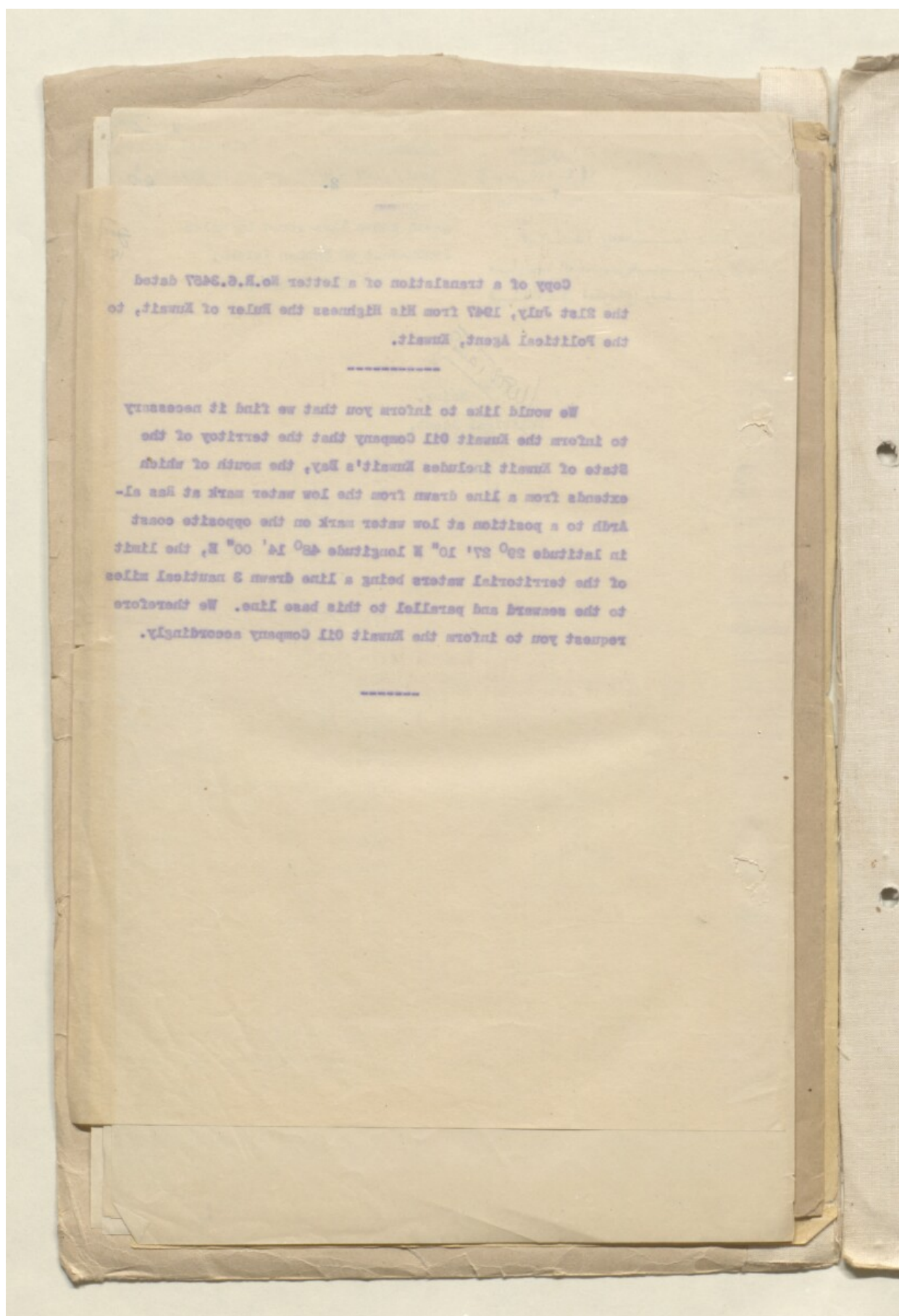


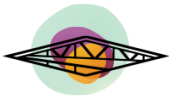


27
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Copy of a translation of a letter No.R.6.3457 dated
the 21st July, 1947 from His Highness the Ruler of Kuwait, to
the Political Agent, Kuwait.

We would like to inform you that we find it necessary
to inform the Kuwait Oil Company that the territory of the
State of Kuwait includes Kuwait's Bay, the mouth of which
extends from a line drawn from the low water mark at Ras al-
Ardh to a position at low water mark on the opposite coast
in latitude $29^{\circ} 27' 10''$ N longitude $48^{\circ} 14' 00''$ E, the limit
of the territorial waters being a line drawn 3 nautical miles
to the seaward and parallel to this base line. We therefore
request you to inform the Kuwait Oil Company accordingly.





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